

JIM BANKS
Third District, Indiana



COMMITTEE ON
ARMED SERVICES
COMMITTEE ON
EDUCATION AND LABOR
COMMITTEE ON
VETERANS' AFFAIRS

Congress of the United States
House of Representatives
Washington, DC 20515-1403

The Honorable Zoe Lofgren, Chairperson
U.S. House Committee on House Administration
1309 Longworth House Office Building
Washington, D.C. 20515

Re: Operations of the House January 6th Select Committee

Dear Chairperson Lofgren,

I'm writing to request that you provide a report to members of the U.S. House of Representatives on the activities of the House January 6th Select Committee ("J6 Committee").

The J6 Committee is operating as a rogue body not organized in accordance with U.S. House precedent or rules. The committee is operating largely in secret and is abusing its subpoena and deposition authority on a daily basis. The American people deserve a transparent accounting of the J6 Committee's operations, budget and staff structure, as well as its interview and deposition procedures.

The Committee on House Administration has jurisdiction over such matters. Your committee is responsible for "the budget authorizations for expenses of House committees, and those for expenses of Members of Congress, are set by the Committee. Additionally, the Committee is responsible for oversight of House officers, including the administrative and technical functions of the House." In short, it is your responsibility to find answers to basic questions concerning the egregious actions of the J6 Committee.

Congress' power is derived from the will of the American people. Voters delivered a slim 222-213 Democrat majority in the 2020 election and that majority should mirror party ratios on congressional committees. H.Res. 503 establishes the Committee and calls for 13 members to be appointed. However, the J6 Committee consists of only nine members of congress, all hand selected by the Speaker, and does not have legitimate minority representation by any reasonable standard. Because the J6 Committee does not reflect the will of the people and isn't structured in accordance with its charter, it lacks legitimacy and is therefore fatally flawed. Illegitimate committees do not have any valid authority to issue subpoenas or compel testimony from any American.

As Democrats led by then-Ranking Member Henry Waxman of California wrote in the minority views of a 1998 congressional oversight report, “Successful congressional investigations have always been conducted on a fair and bi-partisan basis. The best investigations have gone to great lengths to involve the minority and protect the rights of minority members.”

House Democrats in 1998 - Chairperson Lofgren included - wouldn't have tolerated the contempt for precedent and House rules that House Democrats in 2021-2022 are currently engaged in. House Speaker Pelosi's refusal to seat Congressmen Jim Jordan and Jim Banks on the select committee exemplifies House Democrats' disdain for precedent.

The J6 Committee has assumed absolute power and operates without any true minority rights or real checks and balances. For example, a congressional deposition without minority counsel or staff present is not a serious legislative proceeding; it's an inquisition. The J6 Committee is undemocratic and must be reined in before it further damages the traditions of this esteemed institution.

In the absence of legitimate minority representation in this congressional investigation, brutally partisan politicians with axes to grind will continue to cut corners, fudge the truth, treat people unfairly, abuse their power, violate privacy rights, and ultimately make consequential mistakes. That's why overly broad subpoenas are being issued by the J6 Committee without debate and that's why text messages are being unethically doctored and selectively leaked to the press. For example, incidents involving J6 Committee Member Adam Schiff such as “During January 6 Hearing, Schiff Doctored Text Messages Between Mark Meadows and Rep. Jim Jordan,” deserve scrutiny from the U.S. House.¹

The Committees' Congressional Handbook requires that each Committee submit a Monthly report which must include:

- a. Summary of the progress of the specific investigations and studies for which funds were approved.
- b. Statement of expense for the month and year to date.
- c. Report of travel performed using Committee funds.
- d. List of Committee employees, job titles and gross monthly salaries.
- e. Certification by the Chair that the report is available to Members of the Committee for examination.
- f. A list of all Committee detailees with each detailee's effective start and end date of detail at the Committee.

Monthly Reports for all Committees are supposed to be posted on the Committee on House Administration's website to ensure transparency and provide accountability for Committee investigation and use of official resources. This is especially important for the J6 Committees that has been provided unlimited funding and staff resources.² The J6 Committee has yet to

¹ Sean Davis, *During January 6 Hearing, Schiff Doctored Text Messages Between Mark Meadows and Rep. Jim Jordan*, The Federalist, <https://thefederalist.com/2021/12/15/during-january-6-hearing-schiff-doctored-text-messages-between-mark-meadows-and-rep-jim-jordan/>.

² H.Res. 503, Sec. 6 (c) Detail of Staff of Other Offices – Staff of employing entities of the House or a joint committee may be detailed to the Select Committee to carry out this resolution and shall be deemed to be staff of the

submit a monthly report, despite a requirement to do so. Reviewing these monthly reports and tracking committee spending is an essential part of transparency and it is concerning that such information has been kept from the American people.

In summary, the J6 Committee has abused its subpoena power, its deposition power, its contempt power, and its power to unilaterally release documents. These actions represent a gross misuse of taxpayer dollars and deserve aggressive internal oversight. It's obvious that this committee has reached its conclusions already - you're guilty until proven innocent in the eyes of the ultra-partisan J6 Committee.

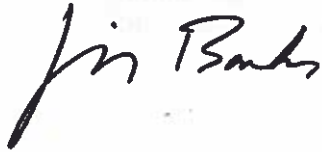
In light of the J6 Committee's abusive and partisan actions, the public deserves access to the following information:

1. The total number of document requests issued and to what individual or entity.
2. The total number of subpoenas issued for documents and to what individual or entity.
3. The total number of subpoenas issued for testimony and to what individual or entity.
4. The total number of depositions conducted and of whom.
5. The total number of interviews conducted and of whom.
6. The total number of pages of requested records received and from what individuals or entities.
7. The committee's budget for 2021 and 2022.
8. The committee's total expenditures to date.
9. A list and explanation for all Member and staff travel to date.
10. An accounting of all contact with the White House and the Department of Justice to date.
11. A list of majority staff members and minority staff members and their positions.
12. Copies of the required monthly reports for each month J6 has operated.
13. A copy of internal rules that have been adopted.

Please provide this information to all Members of the U.S. House of Representatives no later than January 21, 2022.

Select Committee. Sec. 6 (f) Funding; Payments – There shall be paid out of the applicable accounts of the House of Representatives such sums as may be necessary for the expenses of the Select Committee.

Sincerely,

Handwritten signature of Jim Banks in black ink.

Jim Banks

Handwritten signature of Rodney Davis in blue ink.

Rodney Davis

Cc: The Honorable Nancy Pelosi, Speaker of the House
The Honorable Bennie Thompson, Chairman, Select Committee to Investigate the
January 6th Attack on the United States Capitol