



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-6538**

October 3, 2019

The Honorable Nancy Pelosi  
Speaker, U.S. House of Representatives  
H-232, The Capitol  
Washington, D.C. 20515

Speaker Pelosi:

I am writing to request you suspend all efforts surrounding your “impeachment inquiry” until transparent and equitable rules and procedures are established to govern the inquiry, as is customary.

As you know, there have been only three prior instances in our nation’s history when the full House has moved to formally investigate whether sufficient grounds exist for the impeachment of a sitting President. I should hope that if such an extraordinary step were to be contemplated a fourth time it would be conducted with an eye towards fairness, objectivity, and impartiality.

Unfortunately, you have given no clear indication as to how your impeachment inquiry will proceed—including whether key historical precedents or basic standards of due process will be observed. In addition, the swiftness and recklessness with which you have proceeded has already resulted in committee chairs attempting to limit minority participation in scheduled interviews, calling into question the integrity of such an inquiry.

Below are several questions to which I request a public response before the House of Representatives moves forward:

- Do you intend to hold a vote of the full House authorizing your impeachment inquiry?<sup>1</sup>
- Do you intend to involve the full House in each critical step of this inquiry, including defining its scope and establishing its rules and procedures?<sup>2</sup>

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<sup>1</sup> For the impeachment of President Clinton, the full House authorized a formal impeachment inquiry by a vote of 258-176. *See* H. Res. 581, 105th Cong. (1998). For the impeachment of President Nixon, the full House authorized a formal impeachment inquiry by a vote of 410-4. *See* H. Res. 803, 93rd Cong. (1974).

<sup>2</sup> The Committee Report accompanying H. Res. 581 stated: “Because impeachment is delegated solely to the House of Representatives by the Constitution, the full House of Representatives should be involved in critical decision making regarding various stages of impeachment.”

- Do you intend to grant co-equal subpoena power to both the Chair and Ranking Member at the committee level?
- Do you intend to require that all subpoenas be subject to a vote of the full committee at the request of either the Chair or Ranking Member?
- Do you intend to provide the President's counsel the right to attend all hearings and depositions?
- Do you intend to provide the President's counsel the right to present evidence?
- Do you intend to provide the President's counsel the right to object to the admittance of evidence?
- Do you intend to provide the President's counsel the right to cross-examine witnesses?
- Do you intend to provide the President's counsel the right to recommend a witness list?
- Do you intend to refer all findings on impeachment to Chairman Nadler and the Judiciary Committee, as prescribed by Rule X of the Rules of the House, or is Chairman Schiff in charge of leading this inquiry, as has been reported in the press?

By answering “no” to any of the above, you would be acting in direct contradiction to all modern impeachment inquiries of a sitting president. By answering “no” to any of the above, you would be denying the President the bare minimum rights granted to his predecessors. By answering “no” to any of the above, you would create a process completely devoid of any merit or legitimacy.

At a news conference yesterday you insisted, “we have to be fair to the President.” If those words are taken to be sincere, the American people deserve assurance that basic standards of due process will be present. Given the enormity of the question at hand – the removal of a duly-elected sitting President – anything less than a thorough, transparent, and fair process would represent a supreme insult to our Constitution and the millions of Americans who rely on their voices being heard through our democratic system of government.

I look forward to your prompt response on this critical matter.

Sincerely,



Kevin McCarthy  
Republican Leader