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ONE HUNDRED TWELFTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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January 25, 2012

The Honorable Darrell E. Issa  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

On January 17, 2012, I wrote to you requesting information about how you plan to proceed with the Committee's investigation of Members of Congress who received mortgage loans from Countrywide Financial Corporation under its VIP loan program, also known as the "Friends of Angelo" program after the company's CEO, Angelo Mozilo.<sup>1</sup>

Since your response, sent earlier today, did not address any of my questions about how you plan to proceed with the investigation, I am writing to ask for clarification on why you have now instructed the law firm responding to your Countrywide subpoena to conceal the identities of Members of Congress before turning over any additional documents to the Committee.

As I stated in my previous letter, you have waged a high-profile campaign over the past three years to obtain the mortgage files of Members of Congress who received VIP loans from Countrywide, loans that you have referred to as "bribes,"<sup>2</sup> "influence buying,"<sup>3</sup> and "public

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<sup>1</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Darrell E. Issa (Jan. 17, 2012) (online at [http://democrats.oversight.house.gov/index.php?option=com\\_content&task=view&id=5561&Itemid=104](http://democrats.oversight.house.gov/index.php?option=com_content&task=view&id=5561&Itemid=104)).

<sup>2</sup> *America's Newsroom*, Fox News (Oct. 26, 2009) (online at [www.youtube.com/watch?v=h7HDmFmQRcw](http://www.youtube.com/watch?v=h7HDmFmQRcw)).

<sup>3</sup> House Committee on Oversight and Government Reform, Minority, *Bank of America Ready to Turn Over 'Countrywide VIP' Documents if Majority Will Issue Subpoena* (June 24, 2009) (online at [http://oversight.house.gov/index.php?option=com\\_content&task=view&id=17&Itemid=29](http://oversight.house.gov/index.php?option=com_content&task=view&id=17&Itemid=29)).

corruption.”<sup>4</sup> Last February, you issued a unilateral subpoena for these Member files, and you pledged to “find a way to disclose it all and then get the American people outraged enough to make sure that it never happens again.”<sup>5</sup>

The documents produced in response to your subpoena revealed four previously undisclosed instances in which Members of Congress received Countrywide VIP loans. All four instances involve Republican Members, including three current Republican House Members and one former Republican House Member.

Last week, the three current Republican House Members were identified publicly. National Republican Congressional Committee (NRCC) Chairman Pete Sessions, House Armed Services Committee Chairman Howard “Buck” McKeon, and Representative Elton Gallegly all confirmed that you referred them to the House Ethics Committee on December 16, 2011.<sup>6</sup> To date, you have declined to identify publicly the former Republican House Member.

It is my understanding that now, after discovering that all of these previously unidentified Republican House Members received VIP loans, you have instructed the law firm responding to your Countrywide subpoena to redact the names and any other information that might identify specific Members of Congress from any additional documents still to be produced to the Committee, including from the loan files for two of these four Republican Members: NRCC Chairman Sessions and Representative Gallegly.

It is unclear why you have directed these redactions at this time. After news broke this month that you had referred these Members to the House Ethics Committee, press accounts reported that you vowed that the Oversight Committee would continue its investigation of Members.<sup>7</sup> Your spokesman stated that “critics of the investigation have not and will not deter Chairman Issa’s commitment to exposing what occurred.”<sup>8</sup>

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<sup>4</sup> *America’s Nightly Scoreboard*, Fox Business (Mar. 4, 2009) (online at [www.youtube.com/user/oversightandreform#p/search/1/w4NZGAdHv18](http://www.youtube.com/user/oversightandreform#p/search/1/w4NZGAdHv18)).

<sup>5</sup> *The Dylan Ratigan Show*, MSNBC (Feb. 17, 2011) (online at [www.youtube.com/watch?v=ARU2DABuYfY&feature=relmfu](http://www.youtube.com/watch?v=ARU2DABuYfY&feature=relmfu)).

<sup>6</sup> Letter from Chairman Darrell Issa, House Committee on Oversight and Government Reform, to Chairman Jo Bonner and Ranking Member Linda T. Sanchez, House Committee on Ethics (Dec. 16, 2011).

<sup>7</sup> See, e.g., *Darrell Issa Vows to Continue Countrywide Probe*, Roll Call (Jan. 17, 2012) (online at [www.rollcall.com/news/darrell\\_issa\\_vows\\_to\\_continue\\_countrywide\\_probe-211541-1.html](http://www.rollcall.com/news/darrell_issa_vows_to_continue_countrywide_probe-211541-1.html)) (reporting “House Oversight and Government Reform Chairman Darrell Issa (R-Calif.) said today he will continue pursuing an investigation involving lawmakers tied to a controversial mortgage program run by the now-defunct mortgage giant Countrywide Financial Corp.”).

<sup>8</sup> *Id.*

In addition, your actions appear to directly contradict many of your previous statements calling for full disclosure of precisely this information. When you issued your subpoena last February, for example, you stated:

The American people have a right to know the totality of who participated in the Countrywide's VIP program and what they did in return for access to it. Our role is to get all of the facts so that the American people can judge for themselves who should be held responsible and accountable.<sup>9</sup>

Over the course of the past year, you have also made multiple statements expressing your blanket opposition to redactions in the context of various other investigations. For example:

- On June 14, 2011, you told a Department of Justice official who produced redacted documents to the Committee: "you should be ashamed of yourself."<sup>10</sup>
- On July 5, 2011, you stated that redactions made to documents produced by the Department of Homeland Security were an "unacceptable response" to the Committee's request for documents.<sup>11</sup>
- On Oct. 16, 2011, you appeared on national television and argued: "When you black out a document and there is responsive information underneath, that's a form of tampering."<sup>12</sup>

It is also unclear why you have chosen this point in the investigation to direct the redaction of information that would identify select Members of Congress, particularly since the Committee has already received unredacted documents relating to other Members, including Senator Dodd, Senator Conrad, and Chairman McKeon. You have not explained why you now want to treat some Members differently than others.

Since you failed to consult with me before directing these redactions, I have several additional questions about how you plan to proceed:

- (1) You have stated: "The American people deserve to know the extent that special benefits co-opted public servants who were supposed to be watchdogs of the

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<sup>9</sup> House Committee on Oversight and Government Reform, *Chairman Issa Issues Subpoena for All Countrywide VIP Docs* (Feb. 16, 2011) (online at [http://oversight.house.gov/index.php?option=com\\_content&task=view&id=1141&Itemid=29](http://oversight.house.gov/index.php?option=com_content&task=view&id=1141&Itemid=29)).

<sup>10</sup> *Darrell Issa, Department of Justice Clash at Hearing*, Politico (June 14, 2011) (online at [www.politico.com/news/stories/0611/56995.html](http://www.politico.com/news/stories/0611/56995.html)).

<sup>11</sup> *Letter from Chairman Darrell Issa and Representative Jason Chaffetz to Secretary Janet Napolitano* (July 5, 2011).

<sup>12</sup> *Issa: Holder Hiding Fast and Furious Facts*, CBS News (Oct. 16, 2011) (online at [www.cbsnews.com/stories/2011/10/16/ftn/main20121062.shtml](http://www.cbsnews.com/stories/2011/10/16/ftn/main20121062.shtml)).

mortgage industry.”<sup>13</sup> How do you intend to fulfill this pledge without knowing the identities of the Members to which the documents relate?

- (2) You have stated: “if we don’t get to these individuals and figure out what they did in their official capacity, we’re not going to be able to reasonably undo some of what was done.”<sup>14</sup> How do you intend to question these Members about actions they took in their official capacity if you do not know which documents pertain to them?
- (3) Your spokesperson has stated that, in addition to referring these Members to the House Ethics Committee, you intend for the Oversight Committee to “continue pursuing an investigation of lawmakers.” What format do you plan to utilize to question Members who received Countrywide VIP loans? Will you direct staff to conduct transcribed interviews, as you have done with other witnesses in this investigation?

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings  
Ranking Member

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<sup>13</sup> House Committee on Oversight and Government Reform, Minority, *Bank of America Ready to Turn Over ‘Countrywide VIP’ Documents if Majority Will Issue Subpoena* (June 24, 2009) (online at [http://oversight.house.gov/index.php?option=com\\_content&task=view&id=17&Itemid=29](http://oversight.house.gov/index.php?option=com_content&task=view&id=17&Itemid=29)).

<sup>14</sup> *Bulls & Bears*, Fox Business (Sept. 29, 2009) (online at [www.youtube.com/user/RepDarrellIssa#p/search/10/ZH2ZFuQXIjk](http://www.youtube.com/user/RepDarrellIssa#p/search/10/ZH2ZFuQXIjk)).