

United States Senate

WASHINGTON, DC 20510

May 24, 2017

President Donald Trump
The White House
1600 Pennsylvania Ave, NW
Washington, D.C. 20050

Dear Mr. President:

We write to express our concerns with recent reports that the White House may have instructed certain Federal agencies to refuse requests for information from Democratic members of Congress. If true, such an instruction would be a significant departure from the practices of past Administrations and seriously inhibit Congress's ability to fulfill its legislative and oversight duties.

Congress has a constitutional obligation to conduct oversight, and the Supreme Court has long recognized the need for the legislative branch to obtain information from the executive branch. The Court has stated that “[t]he scope of [Congress’] power of inquiry ... is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution” and this power “encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes.”¹ There has also been judicial recognition that Congress, including its members in the minority, “must have the widest possible access to executive branch information if it is to perform its manifold responsibilities effectively.”²

Since the start of your Administration, members of Congress have requested information from the Federal agencies on a number of issues, including health care, the economy, immigration, the environment, and national security. While some agencies have responded to limited number of these requests, most have gone unanswered. If at the instruction of the White House information is being intentionally withheld on a partisan basis, such actions would be simply unacceptable.

When Congress raises legitimate questions, the response of any Administration should be to provide answers that ensure the confidence of the American people—not to obstruct congressional effort to promote transparency, accountability, and good governance. Federal agencies should generally provide information voluntarily in response to congressional requests, especially if these agencies would be required to provide the same information to the general public if requested under the Freedom of Information Act.

For these reasons, we request that you clarify that your Administration will not refuse requests for information from Congress, including Democratic members, and will provide the courtesy of a response to congressional inquiries in a timely and comprehensive manner. If there are disagreements between co-equal branches of government regarding access to information, we ask that your Administration work in good faith to resolve any disputes.

¹ *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491 (1975); *Watkins v. United States*, 354 U.S. 178 (1957).

² *Murphy v. Dep't of the Army*, 613 F.2d 1151 (D.C. Cir. 1979).

Sincerely,



Charles E. Schumer
United States Senator



Richard J. Durbin
United States Senator



Patty Murray
United States Senator



Debbie Stabenow
United States Senator



Bernard Sanders
United States Senator



Amy Klobuchar
United States Senator



Tom Carper
United States Senator



Robert P. Casey, Jr.
United States Senator



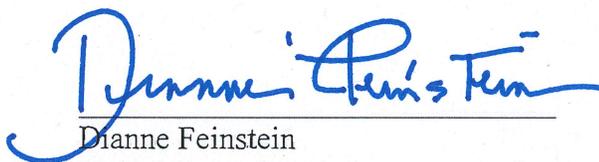
Ron Wyden
United States Senator



Jack Reed
United States Senator



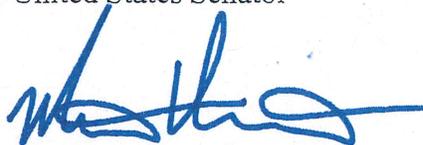
Sherrod Brown
United States Senator



Dianne Feinstein
United States Senator



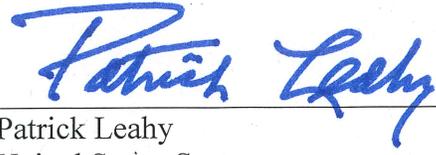
Tom Udall
United States Senator



Martin Heinrich
United States Senator



Ben Cardin
United States Senator



Patrick Leahy
United States Senator



Maria Cantwell
United States Senator



Mark R. Warner
United States Senator

cc: The Honorable Alexander Acosta, Secretary of Labor
The Honorable Ben Carson, Secretary of Housing and Urban Development
The Honorable Elaine Chao, Secretary of Transportation
The Honorable Betsy DeVos, Secretary of Education
The Honorable John Kelly, Secretary of Homeland Security
The Honorable James Mattis, Secretary of Defense
The Honorable Steven Mnuchin, Secretary of the Treasury
The Honorable Mick Mulvaney, Director of the Office of Management and Budget
The Honorable Sonny Perdue, Secretary of Agriculture
The Honorable Rick Perry, Secretary of Energy
The Honorable Tom Price, Secretary of Health and Human Services
The Honorable Scott Pruitt, Administrator of the Environmental Protection Agency
The Honorable Wilbur Ross, Secretary of Commerce
The Honorable Jeff Sessions, United States Attorney General
The Honorable David Shulkin, Secretary of Veterans Affairs
The Honorable Rex Tillerson, Secretary of State
The Honorable Ryan Zinke, Secretary of the Interior