

115TH CONGRESS
2D SESSION

H. RES. 1028

Impeaching Rod Rosenstein, the Deputy Attorney General of the United States, for high crimes and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2018

Mr. MEADOWS (for himself, Mr. JORDAN, Mr. JODY B. HICE of Georgia, Mr. DUNCAN of South Carolina, Mr. BIGGS, Mr. GOHMERT, Mr. GAETZ, Mr. DESJARLAIS, Mr. GOSAR, Mr. POSEY, and Mr. PERRY) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Impeaching Rod Rosenstein, the Deputy Attorney General of the United States, for high crimes and misdemeanors.

1 *Resolved*, That Rod Rosenstein, Deputy Attorney
2 General of the United States, is impeached for high crimes
3 and misdemeanors, and that the following articles of im-
4 peachment be exhibited to the Senate:

5 Articles of impeachment exhibited by the House of
6 Representatives of the United States of America in the
7 name of itself and all of the people of the United States
8 of America, against Rod Rosenstein, Deputy Attorney
9 General of the United States, in maintenance and support

1 of its impeachment against him for high crimes and mis-
2 demeanors.

3 ARTICLE I

4 On March 2, 2017, Attorney General Jeff Sessions
5 recused himself from any matter potentially relating to the
6 2016 campaign. Upon the Attorney General's recusal,
7 Deputy Attorney General Rod Rosenstein assumed re-
8 sponsibility to oversee the Department's response to the
9 congressional investigations of the Department of Justice
10 and FBI.

11 On July 27, 2017, House Judiciary Chairman Bob
12 Goodlatte and 19 Members of Congress requested a sec-
13 ond Special Counsel to conduct a comprehensive investiga-
14 tion into matters related to the 2016 Presidential cam-
15 paign that appear to be outside the scope of Special Coun-
16 sel Mueller's investigation.

17 On September 26, 2017, House Judiciary Chairman
18 Bob Goodlatte and 13 Members of Congress sent a letter
19 repeating the call for a second Special Counsel.

20 On March 6, 2018, Chairman Goodlatte and Chair-
21 man Gowdy called for the appointment of a second Special
22 Counsel to investigate these matters due to the actual or
23 potential conflicts of interests related to certain prosecu-
24 torial and investigative decisions made and not made by
25 the Department of Justice in 2016 and 2017.

1 On March 29, 2018, Attorney General Sessions wrote
2 in a letter to Chairman Chuck Grassley, Chairman Bob
3 Goodlatte, and Chairman Trey Gowdy that he would not
4 appoint a second Special Counsel to investigate these mat-
5 ters despite the apparent and actual conflicts of interests
6 of current and former Department of Justice and FBI em-
7 ployees.

8 On May 22, 2018, Rep. Lee Zeldin, along with 31
9 Members of Congress, introduced H. Res. 907, a resolu-
10 tion expressing the sense of Congress that the Attorney
11 General should appoint a second Special Counsel.

12 On July 21, 2018, the Department of Justice re-
13 leased a heavily redacted set of documents containing the
14 Carter Page FISA warrant application and subsequent re-
15 newals. Upon reviewing the documents, it is evident Dep-
16 uty Attorney General Rosenstein signed an FBI applica-
17 tion to renew FISA surveillance on Carter Page.

18 As such, his conduct in authorizing the FISA surveil-
19 lance at issue in the joint congressional investigation
20 makes him a fact witness central to the ongoing investiga-
21 tion of potential FISA abuse. Deputy Attorney General
22 Rosenstein's failure to recuse himself in light of this inher-
23 ent conflict of interest and failure to recommend the ap-
24 pointment of a second Special Counsel constitute derelic-
25 tion of duty.

1 Wherefore, Rod Rosenstein, by such conduct, war-
2 rants impeachment and trial, and removal from office.

3 ARTICLE II

4 Mr. Rosenstein and the Department of Justice have
5 repeatedly failed to produce documents requested by the
6 Committee on the Judiciary and the Committee on Over-
7 sight and Government Reform, despite the committees'
8 constitutional duty to conduct oversight of the FBI and
9 broader Department of Justice.

10 On October 24, 2017, the Committee on Judiciary
11 and the Committee on Oversight and Government Reform
12 opened a joint investigation into the decisions made by the
13 Department of Justice in 2016 and 2017 related to their
14 handling of the Secretary Clinton email investigation.

15 On November 3, 2017, Chairman Goodlatte, Chair-
16 man Gowdy, and four Members of Congress, sent a letter
17 to Attorney General Sessions and Deputy Attorney Gen-
18 eral Rosenstein requesting documents related to certain
19 prosecutorial and investigative decisions the Department
20 of Justice's made during the 2016 election.

21 On December 12, 2017, Chairman Goodlatte, Chair-
22 man Gowdy, and other members sent a letter in further-
23 ance of their previous document requests, urging the De-
24 partment to provide withheld documents, and to comply
25 with the Committees' previous instructions to provide a
26 privilege log for documents withheld or redacted on the

1 basis of a privilege. Mr. Rosenstein and the Department
2 of Justice have refused to provide a privilege log for these
3 documents, despite producing documents to Congress that
4 are so redacted they contain little probative information.

5 On February 1, 2018, Chairman Goodlatte sent a let-
6 ter requesting documents related to alleged abuses of the
7 Foreign Intelligence Surveillance Act (“FISA”) related to
8 members of the Trump campaign. As Deputy Attorney
9 General of the United States, Mr. Rosenstein is to act on
10 behalf of the Attorney General for purposes of authorizing
11 searches and electronic surveillance under the FISA.

12 On March 22, 2018, Chairman Goodlatte issued a
13 subpoena compelling Mr. Rosenstein and the Department
14 of Justice to produce documents after the Department
15 failed to fully comply with the Committee on the Judiciary
16 and the Committee on Oversight and Government Re-
17 form’s document requests. In requesting documents re-
18 lated to alleged abuses of FISA related to members of the
19 Trump campaign, the subpoena requested:

20 (1) All documents and communications with the
21 Foreign Intelligence Surveillance Court (“FISC”)
22 referring or relating to any Foreign Intelligence Sur-
23 veillance Act (“FISA”) applications associated with
24 Carter Page or individuals on President Trump’s

1 2016 Presidential campaign or part of the Trump
2 administration.

3 (2) All documents and communications refer-
4 ring or relating to FISC hearings and deliberations,
5 including any court transcripts, related to any FISA
6 applications associated with Carter Page or the
7 Trump campaign or Trump administration.

8 (3) All documents and communications refer-
9 ring or relating to defensive briefings provided by
10 the Department of Justice or FBI to the 2016 Pres-
11 idential campaigns of Hillary Clinton or President
12 Trump.

13 (4) All documents and communications refer-
14 ring or relating to proposed, recommended, or actual
15 FISA coverage on the Clinton Foundation or per-
16 sons associated or in communication with the Clin-
17 ton Foundation.

18 The Department of Justice has violated this congressional
19 subpoena by failing to fully produce each of these cat-
20 egories of documents.

21 Following the issuance of the March 22 subpoena,
22 Mr. Rosenstein and the Department of Justice have re-
23 fused to comply with a Memorandum-of-Understanding
24 negotiated with the Committee on the Judiciary and the

1 Committee on Oversight and Government Reform to expedite the production of documents.

3 Whereas the Department of Justice has missed document production deadlines, produced duplicative pages of information, and has redacted pages to the point where they contain little probative information.

7 Whereas additional documents provided to Members of Congress in July 2018 by whistleblowers demonstrate under Mr. Rosenstein's leadership the Department of Justice and FBI have knowingly and intentionally withheld documents within the scope of the joint congressional investigation to avoid oversight.

13 On June 27, 2018, witness testimony provided in a transcribed interview with members of the Committee on the Judiciary and the Committee on Oversight and Government Reform revealed the Department of Justice and Special Counsel Mueller had instructed material fact witnesses to refuse to provide testimony within the jurisdiction of the committees' joint investigation; even though much of this information is not law enforcement sensitive and available through open source media reporting.

22 On July 13, 2018, witness testimony provided in a transcribed interview with members of the Committee on the Judiciary and the Committee on Oversight and Government Reform revealed the Department of Justice had

1 failed to notify material fact witnesses of repeated con-
2 gressional requests for their testimony.

3 Wherefore, Rod Rosenstein, by such conduct, war-
4 rants impeachment and trial, and removal from office.

5 ARTICLE III

6 Upon in camera review of documents at the Depart-
7 ment of Justice, it was revealed the Department, under
8 the supervision of Mr. Rosenstein, attempted to conceal
9 certain facts as documents provided to Congress were
10 heavily and unnecessarily redacted. Most of the redacted
11 documents containing material investigative information
12 did not contain law-enforcement-sensitive information, the
13 Department's stated basis for redactions.

14 The Department of Justice, under the supervision of
15 Mr. Rosenstein, unnecessarily redacted the price of FBI
16 Deputy Director Andrew McCabe's \$70,000 conference
17 table because it was potentially embarrassing information.

18 The Department of Justice, under the supervision of
19 Mr. Rosenstein, redacted FBI Agent Peter Strzok's per-
20 sonal relationship with FISC Judge Rudolph Contreras.

21 The Department of Justice, under the supervision of
22 Mr. Rosenstein, redacted the names of high-ranking
23 Obama administration officials, such as former White
24 House Chief of Staff Denis McDonough.

1 The Department of Justice, under the supervision of
2 Mr. Rosenstein, redacted the names of high-ranking FBI
3 officials, such as former Deputy Director Andrew McCabe.

4 The Department of Justice acknowledged the unnec-
5 essary redactions and agreed that some information
6 should not have been redacted in an April 16, 2018, letter
7 to Representatives Meadows and Jordan.

8 Wherefore, Rod Rosenstein, by such conduct, war-
9 rants impeachment and trial, and removal from office.

10 ARTICLE IV

11 On May 17, 2017, Deputy Attorney General Rosen-
12 stein appointed Robert S. Mueller III as the Special Coun-
13 sel to investigate possible ties between the Trump cam-
14 paign and Russia. In May 2017, Mr. Rosenstein authored
15 the initial memo articulating the scope of the Special
16 Counsel investigation’s jurisdiction.

17 On August 2, 2017, Mr. Rosenstein drafted a memo
18 articulating the scope of the Special Counsel investigation
19 which began by noting “the following allegations were
20 within the scope of the investigation at the time of your
21 appointment and are within the scope of the order”, with
22 nearly everything following the mention of those initial al-
23 legations redacted.

24 Mr. Rosenstein’s memo is a classified document and
25 almost completely redacted, raising concerns the appoint-
26 ment of Robert S. Mueller III as Special Counsel began

1 outside the scope of regulations for Special Counsel inves-
2 tigations by originating on a counterintelligence, rather
3 than criminal, basis.

4 Mr. Rosenstein’s memo also raises concerns given
5 Special Counsel investigations are not warranted by the
6 existence of mere allegations, and require there be facts
7 evident warranting a “criminal investigation of a person
8 or matter”.

9 Mr. Rosenstein’s memo raises fundamental concerns
10 related to the Government’s basis for alleging “collusion”
11 between the Trump campaign and Russia, and whether
12 these allegations resulted in potential crimes warranting
13 investigation.

14 Despite the significant public interest in the matter
15 and the constitutional authority of Congress to conduct
16 oversight of the Department of Justice, Mr. Rosenstein
17 has repeatedly failed to provide a less-redacted version of
18 this scope memo, even in a classified setting.

19 Wherefore, Rod Rosenstein, by such conduct, war-
20 rants impeachment and trial, and removal from office.

21 ARTICLE V

22 In his capacity as Deputy Attorney General of the
23 United States, Mr. Rosenstein oversaw the potentially im-
24 proper authorization of FISA searches and electronic sur-
25 veillance of members of the Trump campaign.

1 As evidenced by the July 21, 2018, release of the
2 Carter Page FISA application, under Mr. Rosenstein’s su-
3 pervision, the “dossier” compiled by Christopher Steele on
4 behalf of the Democratic National Committee and the Hil-
5 lary Clinton campaign formed a material part of the FISA
6 application.

7 Under Mr. Rosenstein’s supervision, the Department
8 of Justice and FBI intentionally obfuscated the fact the
9 dossier was originally a political opposition research docu-
10 ment before the FISC.

11 Under Mr. Rosenstein’s supervision, Christopher
12 Steele’s political opposition research was neither vetted be-
13 fore it was used in October 2016 nor fully revealed to the
14 FISC, given Director Comey’s June 2017 testimony the
15 dossier was “salacious and unverified”.

16 As Deputy Attorney General, Mr. Rosenstein has
17 failed in his responsibility for the proper authorization of
18 searches under FISA, and his conduct related to the sur-
19 veillance of American citizens working on the Trump cam-
20 paign has permanently undermined both public and con-
21 gressional confidence in significant counterintelligence
22 program processes.

23 Under Mr. Rosenstein’s supervision, the public’s con-
24 fidence in the integrity of the FISA process depends on
25 the court’s ability to hold the Government to the highest-

1 standard-particularly as it relates to surveillance of Amer-
2 ican citizens.

3 Given Mr. Rosenstein’s oversight of the FISA process
4 is a central issue in the current congressional investigation
5 into certain decisions made and not made by the Depart-
6 ment of Justice and FBI in 2016 and 2017, he has actual
7 and potential conflicts of interest requiring the appoint-
8 ment of a second Special Counsel.

9 Wherefore, Rod Rosenstein, by such conduct, war-
10 rants impeachment and trial, and removal from office.

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