

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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December 5, 2023

The Honorable Fani T. Willis
District Attorney
Fulton County District Attorney's Office
141 Pryor Street
Atlanta, GA 30303

Dear Ms. Willis:

The Committee on the Judiciary continues to conduct oversight of politically motivated prosecutions by state and local officials. Although we were aware that your office had coordinated its politically motivated prosecutions with the Office of Special Counsel Jack Smith, we recently learned that your office also coordinated its investigative actions with the partisan Select Committee to Investigate the January 6 Attack on the United States Capitol ("January 6 Select Committee"). Accordingly, we write to request documents relating to the investigative coordination between your office and the partisan January 6 Select Committee.

On August 24, 2023, we wrote to you requesting production of three categories of documents to advance the Committee's oversight of politically motivated prosecutions by state and local officials.¹ Your reply letter dated September 7, 2023, failed to adequately address the Committee's requests and made several baseless excuses for refusing to provide the requested documents.² We wrote again on September 27, 2023, explaining in detail the legal deficiencies in your position and offering, as a sign of good faith, to prioritize the production of certain documents so as to minimize any potential burden on your office.³ You responded to the Committee on October 11, 2023, rejecting our offer at accommodation and instead resorting to *ad hominin* attacks on the Committee's oversight.⁴ Your response letter largely rehashed the

¹ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Dist. Att'y Fani T. Willis, Fulton Cty. Dist. Att'y's Off. (Aug. 24, 2023).

² Letter from Dist. Att'y Fani T. Willis, Fulton Cty. Dist. Att'y's Off., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Sep. 7, 2023).

³ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Dist. Att'y Fani T. Willis, Fulton Cty. Dist. Att'y's Off. (Sep. 27, 2023).

⁴ Letter from Dist. Att'y Fani T. Willis, Fulton Cty. Dist. Att'y's Off., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Oct. 11, 2023).

same arguments that we considered and addressed in our detailed September 27 letter.⁵ You again failed to produce any documents in response to the Committee’s oversight.

Recently, the Committee became aware of cooperation between your office and the partisan January 6 Select Committee.⁶ We are in possession of a letter, dated December 17, 2021, and enclosed herein, from you to Rep. Bennie G. Thompson, Chairman of the partisan January 6 Select Committee, requesting access to congressional “records that may be relevant to our criminal investigation.”⁷ Specifically, you asked Rep. Thompson for access to “record [*sic*] includ[ing] but . . . not limited to recordings and transcripts of witness interviews and depositions, electronic and print records of communications, and records of travel.”⁸ You even offered that you and your staff were eager to travel to Washington, D.C, to “meet with investigators in person” and to receive these records “any time” between January 31, 2022, and February 25, 2022.⁹

Although it is not clear what records, if any, you obtained from your coordination with the partisan January 6 Select Committee, this new information raises additional questions relevant to the Committee’s oversight of your politically motivated prosecution of a former President of the United States and several former senior federal officials. The partisan January 6 Select Committee had a troubling track record of procedural abuses and due process violations. It only solicited evidence from a select set of relevant individuals, ignored exculpatory evidence, and did not pursue witnesses with evidence that would not advance its partisan narrative.¹⁰ It fabricated and publicly released doctored evidence.¹¹ It cherry-picked selective information to create false and misleading public narratives.¹² To the extent that your politically motivated prosecutions are now relying in any way on records obtained from the partisan January 6 Select Committee, it only reinforces concerns about your commitment to due process and whether you have fulfilled your obligations to properly disclose this material.¹³

⁵ *Id.*

⁶ Tim Darnell, ‘*We have an announcement*’ – *Fulton DA Willis launches fundraising website*, ATLANTA NEWS FIRST (Aug. 10, 2023); Meet Fani Willis, FANIFORDA.COM (last visited Aug. 18, 2023) (highlighting an article from the New York Times with the headline “In Atlanta, a Local Prosecutor Takes on Murder, Street Gangs and a President”).

⁷ Letter from Dist. Att’y Fani T. Willis, Fulton Cty. Dist. Att’y’s Off., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Dec. 17, 2021).

⁸ *Id.*

⁹ *Id.*

¹⁰ Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Rep. Bennie Thompson, Chairman, Select Committee to Investigate the January 6th Attack on the United States Capitol at 2-3 (Jan. 9, 2022); see John Solomon, *Jan. 6 Committee acknowledges it made false accusation against witness Bernard Kerik*, JUST THE NEWS (Nov. 23, 2021).

¹¹ *Id.*; see Sean Davis, *During January 6 hearing, Schiff doctored text messages between Mark Meadows and Rep. Jim Jordan*, THE FEDERALIST (Dec. 15, 2021).

¹² *Id.*; see Daniel Chaitlin, *Jan. 6 Committee caught misportraying another text message to Mark Meadows*, WASH. EXAM. (Dec. 17, 2021).

¹³ We are aware, of course, of allegations in an unrelated high-profile prosecution that your office has been withholding materials from the defendant’s attorneys. Ashley Oliver, *Fani Willis’s Young Thug RICO trial opens in turmoil*, Wash. Exam., Nov. 27, 2023.

The Honorable Fani T. Willis

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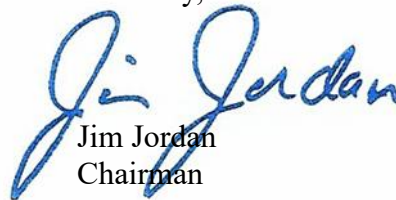
Article I of the Constitution grants Congress “[a]ll legislative powers,”¹⁴ and the Supreme Court has held that “Congress may conduct inquiries into the administration of existing laws, studies of proposed laws, and . . . surveys of defects in our social, economic or political system for the purposes of enabling Congress to remedy them.”¹⁵ Further, as we have previously articulated to you, Congress “has authority to consider, and to investigate . . . legislative reforms to insulate current and former presidents from state prosecutions”¹⁶ Pursuant to Rule X of the House of Representatives, the Committee is authorized to conduct oversight of criminal justice matters to inform potential legislation.¹⁷ Accordingly, we ask that you please produce the following material:

1. All documents and communications between or among the Fulton County District Attorney’s Office and the Select Committee to Investigate the January 6 Attack on the United States Capitol for the period July 1, 2021, to January 3, 2023; and
2. All documents and communications referring or relating to records in the possession of the Fulton County District Attorney’s Office obtained from the Select Committee to Investigate the January 6 Attack on the United States Capitol.

Please provide this information as soon as possible, but no later than 5:00 p.m. on December 19, 2023. In addition, we reiterate the requests contained in the Committee’s August 24, 2023, letter and ask that you produce this material immediately. As we have previously expressed, the Committee is willing to work with you in good faith to prioritize the production of material in a manner that will alleviate the potential burden on your office.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

Enclosure

¹⁴ U.S. CONST. amend. I, § 1.

¹⁵ *Bragg v. Jordan*, No. 1:23-CV-03032-MKV, 2023 WL 2999971, at *10 (S.D.N.Y. Apr. 19, 2023) (citing *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2031 (2020)).

¹⁶ *Id.* at *7.

¹⁷ Rules of the U.S. House of Representatives, R. X(1)(5) (2023).



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Fani T. Willis
District Attorney

TELEPHONE 404-612-4639

December 17, 2021

Hon. Bennie G. Thompson
Chairman
Select Committee to Investigate the January 6 Attack on the United States Capitol
United States House of Representatives
Washington, DC 20515

VIA UPS NEXT DAY AIR

Dear Chairman Thompson:

As you may be aware, I am conducting a criminal investigation of possible attempts to illegally interfere with the administration of Georgia's 2020 General Election. Through news reports, we are aware that your committee has interviewed witnesses relevant to our investigation. We understand from the same reports that your committee's investigators may have collected records relevant to our investigation.

Please accept this letter as an official request from me for access to records that may be relevant to our criminal investigation. Those records include but are not limited to recordings and transcripts of witness interviews and depositions, electronic and print records of communications, and records of travel.

It may well be most efficient for your staff and effective for our understanding for my staff and me to meet with your investigators in person. We are able to travel to Washington any time between January 31, 2022 and February 25, 2022. We will do our best to accommodate the schedule of the committee.

Thank you for your consideration of this request. You may contact me directly via my personal cell phone at [REDACTED] and via email at [REDACTED]. My deputy executive assistant, [REDACTED], may be reached at [REDACTED] and via email at [REDACTED].

Yours in service,

Fani T. Willis
Fulton County District Attorney
Atlanta Judicial Circuit