



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

SPECIAL INVESTIGATIVE COMMITTEE OF THE ONE HUNDRED AND FIRST GENERAL ASSEMBLY

September 21, 2020

VIA EMAIL

The Honorable John Lausch
United States Attorney
Northern District of Illinois
219 South Dearborn, 5th Floor
Chicago, IL 60604

Dear Mr. Lausch,

I regret that we once again have to ask you to weigh in on an issue that arisen in the Special Investigating Committee. I am hopeful that once this process starts, we will not have to repeatedly consult you.

As you can see from the attached letter to Michael McClain, (an identical letter was sent to all witnesses), Chairman Welch purports to recount the areas of inquiry to which you lodged an objection in your September 17, 2020 letter. In my view, he misstates your letter. He correctly notes that the witness should not provide "government produced materials," to the extent he means materials provided by the government. He next tells the witness, presumably based on his reading of your September 17, 2020 letter, that the request to testify should not be construed as a request to provide "otherwise non-public information you provided to" the federal government in connection with its investigation.

I believe this misreads your express direction. You indicated that you would object to a witness being asked: "What information did you provide to the government," or "Did you provide the following information to the government." Indeed, we would not anticipate that a witness would be asked whether they have spoken with law enforcement authorities. That would intrude upon the federal investigative process. On the other hand, I believe you expressly said that you would **not** object to a witness being asked about the substance of information that is non-public, even if the witness had provided that same information to the government.

You said that “we do not object generally to the SIC’s pursuit of testimony or the production of documents on these topics, even if the party previously shared the same underlying factual information with federal prosecutors or law enforcement agents, except as noted below.” Chairman Welch apparently interprets your statement to preclude the Committee from questioning witnesses or seeking documents that are not public and provided to the USAO. We believe that reading directly contradicts your clear statement.

Please indicate whether you object to the SIC questioning witnesses about non-public information even if that information has been provided to the USAO (with the understanding that the witnesses will not be asked what information they did or did not provide the USAO.)

Finally, the Chairman apparently believes that you object to the Committee subpoenaing, as oppose to simply inviting, witnesses to appear before the Committee. I believe that if you do not object to the witness appearing in front of the Committee, you do not object to the Committee subpoenaing those witnesses. We would also like to subpoena those witnesses for relevant documents, with an express carve out for any documents they received from any law enforcement agency including the USAO. Please let us know whether you object to the witnesses we have identified being subpoenaed to appear before the Committee and produce relevant documents.

Thank you for your continued cooperation and consideration.

Sincerely,

A handwritten signature in black ink that reads "Tom Demmer". The signature is written in a cursive, flowing style.

Rep. Tom Demmer
Special Investigating Committee
Minority Spokesperson
Illinois House of Representatives
101st General Assembly