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June 15, 2021

Mr. Scott Harris
Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, DC 20543

Re: *Department of Justice. v. Committee on the Judiciary,*
United States House of Representatives, No. 19-1328

Dear Mr. Harris:

Pursuant to Rule 21.4 of the Rules of this Court, Respondent House Committee on the Judiciary (Committee) respectfully responds to petitioner's motion for vacatur:

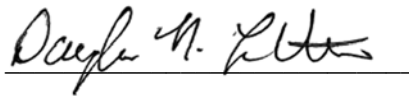
1. This case arises from an application by the Committee filed on July 26, 2019, in the U.S. District Court for the District of Columbia, seeking grand jury materials pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E)(i) and that court's inherent authority to order disclosure. Rule 6(e)(3)(E)(i) authorizes the disclosure of grand jury material "preliminarily to or in connection with a judicial proceeding." Here, the Committee sought the grand jury material associated with Special Counsel Robert S. Mueller, III's *Report On The Investigation Into Russian Interference In The 2016 Presidential Election* preliminarily to a potential impeachment trial of then-President Donald J. Trump. For almost 50 years—a period that covered two Presidential and five Judicial impeachments—the Department of Justice had supported such disclosures as authorized under Rule 6(e), before reversing its position in this one case. Over the Justice Department's opposition, on October 25, 2019, the district court granted the Committee's application in part, and on March 10, 2020, the D.C. Circuit affirmed, holding that a Senate impeachment trial is a "judicial proceeding" under Rule 6(e)(3)(E)(i).

2. This Court granted certiorari on July 2, 2020, and this case was fully briefed as of November 13, 2020. After President Joseph R. Biden, Jr. won the 2020 Presidential election, this Court granted the Committee's motion to remove the case from the December 2020 oral argument calendar. On June 14, 2021, the Department of Justice filed a motion seeking vacatur of the D.C. Circuit's opinion.

3. The Committee acknowledges that this case is now moot because there is no ongoing impeachment investigation of former President Trump. The Committee thus does not oppose the Justice Department's motion for vacatur.

4. The Committee notes that the Trump Administration Justice Department's decision to reverse its longstanding position and oppose the Committee's application for relevant grand jury materials in this case prevented the Committee from obtaining final judicial resolution before President Trump left office. By choosing to reverse its longstanding position and appealing the district court and D.C. Circuit decisions, the Trump Administration succeeded in running out the clock and thereby undermined the ability of the House of Representatives to have access to all of the relevant facts as it considered impeachment. This conduct has created a dangerous new avenue to obstruct the ability of the House of Representatives to fulfill its responsibility under Article I, Section 2 of the Constitution. As a result, the Committee notes the importance of the Justice Department's statement that the parties may have a future occasion "to consider and articulate their positions on the relevant issues" (Mot. 5), and the Committee fully trusts that the Justice Department will return to its prior longstanding position and support disclosure at the appropriate time. Any failure to do so would gravely unsettle the separation of powers enshrined in the Constitution and undermine the public's trust in our system of government.

Respectfully submitted,



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cc: Edwin Smiley Kneedler
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United States Department of Justice