

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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February 2, 2024

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

Dear Ms. Willis:

On August 24, 2023, the Committee on the Judiciary wrote to you requesting documents in the custody of the Fulton County District Attorney's Office (FCDAO) relating, in part, to its receipt and use of federal grant funds issued by the U.S. Department of Justice (DOJ).¹ Since that date, we have sent two additional letters, on September 27, 2023,² and December 5, 2023,³ reiterating our requests.⁴ To date, you have failed to comply voluntarily with any of our requests.⁵

The Committee's oversight of your office's use of federal grant funds is particularly relevant in light of public whistleblower allegations that it has misused federal funding. According to a recent report, your office unlawfully "planned to use part of a \$488,000 federal grant—earmarked for the creation of a Center of Youth Empowerment and Gang Prevention"—to cover frivolous, unrelated expenses.⁶ DOJ awarded this grant to the FCDAO for the purpose

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 Office (Aug. 24, 2023).

² Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Dist. Att'y Fani T. Willis, Fulton Cty. Dist. Att'y's Office (Sept. 27, 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 Office (Dec. 5, 2023).

⁴ In addition, in light of allegations that you improperly used taxpayer dollars to pay a "Special Assistant District Attorney" named Nathan Wade more than \$650,000 over the course of two years, we wrote to Mr. Wade to request documents in his possession. See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Nathan J. Wade, Esq. (Jan. 12, 2024).

⁵ Your correspondence to this Committee dated September 7, 2023; October 11, 2023; and December 19, 2023—as well as your response dated January 26, 2024, on behalf of Mr. Wade—all dismiss the Committee's requests and demonstrate your unlawful refusal to comply with the Committee's oversight.

⁶ Andrew Kerr, *Fani Willis Axed Employee Who Blew Whistle on Misuse of Federal Funds*, WASH. FREE BEACON (Jan. 31, 2024).

of creating the “Fulton County Center of Youth Empowerment and Gang Prevention [to] work with boys and girls ages 12-17. . . .”⁷ The Center, through funding by the federal grant, was intended to “establish a community network . . . in Fulton County[] to identify and address service gaps and barriers and create a comprehensive system of service for youth at risk of becoming gang involved or continuing in the gang lifestyle.”⁸

According to reporting about the whistleblower’s allegations, instead of using these federal grant funds for the intended purpose of helping at-risk youths, your office sought to use the grant funds to “get Macbooks,. . . swag, . . . [and] use it for travel.”⁹ Moreover, the whistleblower’s direct supervisor stated that these planned expenditures “were part of [your] vision.”¹⁰ The whistleblower has stated that she warned you that the use of the federal grant funds in this manner was “impossible” because the terms of the grant were “very, very specific.”¹¹ The whistleblower was in charge of “vetting, selecting, and securing [the FCDAO’s] grant partnerships” and was “the only contact” DOJ had with FCDAO.¹² Less than two months after receiving this warning, you “abruptly terminated [the whistleblower] and had her escorted out of her office by seven armed investigators.”¹³ These allegations raise serious concerns about whether you were appropriately supervising the expenditure of federal grant funding allocated to your office and whether you took actions to conceal your office’s unlawful use of federal funds.

Our previous letters—in particular, our September 27 letter—explain in detail the Committee’s Constitutional authority and jurisdiction for our oversight. To summarize that explanation, the Supreme Court has recognized that Congress has a “broad and indispensable” power to conduct oversight, which “encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them.”¹⁴ Pursuant to the Rules of the House of Representatives, the Committee has jurisdiction to conduct oversight of matters concerning DOJ grant programs and criminal justice to inform potential legislative reforms.¹⁵

Potential legislative reforms the Committee may consider include, among other proposals, establishing clear guidelines outlining the permissible uses of federal grant funds under 34 U.S.C. §§ 10261, *et seq.*, and 12291, *et seq.*, creating penalties for unlawfully misusing federal grant funds under Title 34 of the United States Code, constructing stringent automatic audit requirements for DOJ grant managers, or modifying eligibility requirements pertaining to

⁷ *Gang Prevention in Fulton County*, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (last accessed Jan. 31, 2024).

⁸ *Id.*

⁹ Kerr, *supra* note 6.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* (quoting Email from Whistleblower, Fulton Cty. Dist. Att’y’s Office, to Dist. Att’y Fani T. Willis, Fulton Cty. Dist. Att’y’s Office (Dec. 7, 2021) (The whistleblower also stated that she “created the [FCDAO’s] participant criteria and the [i]ntake process for the grant program[s].”)).

¹³ *Id.*

¹⁴ *See, e.g., Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citations omitted).

¹⁵ Rules of the House of Representatives, R. X, 118th Cong. (2023).

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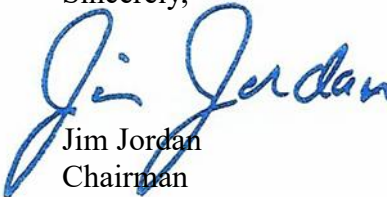
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grant recipients that misuse federal funds. The information we have requested regarding your office's use of federal grant funds is necessary to inform such potential legislation.

In our prior letters, we requested several categories of material relevant for our oversight. However, in response to the recently disclosed whistleblower allegations and as an accommodation, we are prioritizing the production of documents concerning your office's receipt and use of federal funds.

Accordingly, please find attached a subpoena for the requested documents and information.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

Enclosure