

**Congress of the United States**  
**Washington, DC 20515**

March 20, 2018

General John F. Kelly  
Chief of Staff  
The White House  
1600 Pennsylvania Avenue N.W.  
Washington, D.C. 20500

Dear General Kelly:

We are writing to request documents relating to gag orders White House staff have reportedly been ordered to sign.

Two days ago, the *Washington Post* reported that in February or March of 2017, at the request of President Donald Trump, senior White House staff members were asked to sign agreements pledging not to disclose confidential information and potentially subjecting them to monetary damages for any violation.<sup>1</sup> The report stated that some employees “balked at first but, pressed by then-Chief of Staff Reince Priebus and the White House Counsel’s Office, ultimately complied.”<sup>2</sup> According to the report, “this confidentiality pledge would extend not only after an aide’s White House service but also beyond the Trump presidency.”<sup>3</sup>

If true, this report raises numerous concerns. These confidentiality agreements could discourage White House employees from cooperating with the ongoing investigation by Special Counsel Robert Mueller. The agreements could chill employees from disclosing violations of law, waste, fraud, and abuse to Congress. The agreements may also be inconsistent with the First Amendment to the Constitution and in violation of other federal laws, including the Consolidated Appropriations Act.

On January 26, 2017, following news reports that the Trump Administration had imposed gag orders on federal employees that prevented them from communicating with Congress, Ranking Member Cummings wrote with Energy and Commerce Committee Ranking Member Frank Pallone to White House Counsel Donald McGahn. In that letter, we recommended that the President issue an official statement making clear that all federal employees have the right to communicate with Congress and will not be silenced or retaliated against for their disclosures. The White House has never responded to say that it communicated that message to

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<sup>1</sup> *Trump Had Senior Staff Sign Nondisclosure Agreements. They’re Supposed to Last Beyond His Presidency*, *Washington Post* (Mar. 18, 2018) (online at [www.washingtonpost.com/opinions/trumps-nondisclosure-agreements-came-with-him-to-the-white-house/2018/03/18/226f4522-29ee-11e8-b79d-f3d931db7f68\\_story.html?utm\\_term=.c9d784ac51a4](http://www.washingtonpost.com/opinions/trumps-nondisclosure-agreements-came-with-him-to-the-white-house/2018/03/18/226f4522-29ee-11e8-b79d-f3d931db7f68_story.html?utm_term=.c9d784ac51a4)).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

Administration employees. Instead, if this report is true, President Trump may have done just the opposite by threatening to fine employees for disclosing information to Congress, Inspectors General, the Government Accountability Office, or anyone else.

We request that you produce, by April 3, 2018, the following documents and information:

1. all documents and communications since January 20, 2017, referring or relating to any non-disclosure or confidentiality agreement;
2. all documents and communications since January 20, 2017, including any non-disclosure or confidentiality agreements, that purport to restrict any federal employee's unauthorized disclosure of confidential or nonpublic information;
3. all documents and communications since January 20, 2017, including any non-disclosure or confidentiality agreements, that could subject a federal employee to damages or liability for disclosure of information;
4. all documents and communications since January 20, 2017, including any non-disclosure or confidentiality agreements, forms, policies, instructions, or agreements, that purport to limit the ability of current or former federal employees to communicate with Congress, whether explicitly or as part of a general restriction on communications;
5. all documents and communications, including forms, policies, instructions, or agreements provided to federal employees or otherwise implemented since January 20, 2017, that reference communications with Congress, including those with either non-disclosure or non-disparagement provisions, and including all modifications, rescissions, or other changes;
6. all documents and communications indicating which, if any, person employed by the Executive Office of the President signed a non-disclosure or confidentiality agreement since January 20, 2017.

If you have any questions about this request, please contact staff of the Committee on Oversight and Government Reform at (202) 225-5051 or staff of the Committee on the Judiciary at (202) 225-6906. Thank you for your prompt attention to this request.

Sincerely,



Elijah E. Cummings  
Ranking Member  
House Committee on Oversight  
and Government Reform



Jerrold Nadler  
Ranking Member  
House Committee on the Judiciary

General John F. Kelly

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cc: The Honorable Trey Gowdy, Chairman  
House Committee on Oversight and Government Reform

The Honorable Bob Goodlatte, Chairman  
House Committee on the Judiciary