

THE WHITE HOUSE

WASHINGTON

June 24, 2019

The Honorable Elijah E. Cummings
Chairman
Committee on Oversight and Reform
House of Representatives
Washington, D.C. 20515

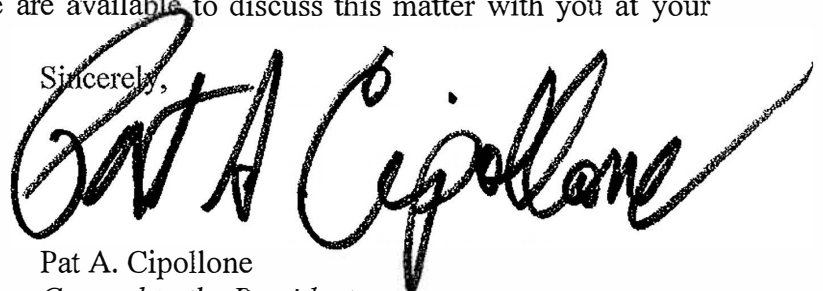
Dear Chairman Cummings:

I write regarding the Committee's letter of June 13, 2019, inviting Kellyanne Conway, Assistant to the President and Counselor to the President, to testify at a hearing a June 26, 2019. In accordance with long-standing precedent, we respectfully decline the invitation to make Ms. Conway available for testimony before the Committee.

As you know, the precedent for members of the White House staff to decline invitations to testify before congressional committees has been consistently adhered to by administrations of both political parties, and is based on clearly established constitutional doctrines. *See Testimonial Immunity Before Congress of the Former Counsel to the President*, 43 Op. O.L.C. __, *2 (May 20, 2019) (“[T]he White House has opposed sending senior advisers to testify for almost as long as there has been an Executive Office of the President.”); *Immunity of the Assistant to the President and Director of the Office of Political Strategy and Outreach from Congressional Subpoena*, 38 O.L.C. Op. __, *1 (July 15, 2014) (“The Executive Branch’s longstanding position, reaffirmed by numerous Administrations of both political parties, is that the President’s immediate advisers are absolutely immune from congressional testimonial process.”); *see also* Letter from Robert F. Bauer, Counsel to the President, to Darrell E. Issa, Chairman, Committee on Oversight and Government Reform (June 16, 2011) (“White House staff generally do not testify before Congress.”); Letter from Lloyd N. Cutler, Counsel to the President, to Samuel S. Stratton, Chairman, Subcommittee on Investigations of the Committee on Armed Services (Sept. 30, 1980) (“Congress has always respected the privilege of the President to decline requests that the President himself or his immediate White House advisors appear to testify before Congressional committees.”).

If it would be helpful to you, we are available to discuss this matter with you at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Pat A. Cipollone". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Pat A. Cipollone
Counsel to the President

cc: The Honorable Jim Jordan, Ranking Member