

THE WHITE HOUSE

WASHINGTON

April 24, 2019

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

Dear Chairman Cummings:

Thank you for your letter of April 17, 2019, inviting Stephen Miller, Assistant to the President and Senior Advisor to the President for Policy, to testify about the President's immigration priorities. This Administration is focused on effectively addressing the emergency at our southern border and is also eager to work with Congress to address the numerous immigration and border security challenges confronting our nation.

In accordance with long-standing precedent, we respectfully decline the invitation to make Mr. Miller available for testimony before the Committee. 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 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, 1 (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.").

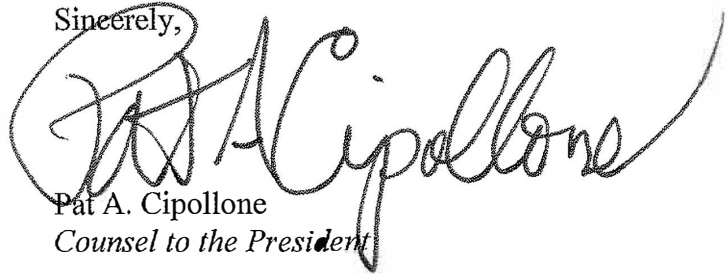
We are pleased that the Committee is interested in obtaining information regarding border security and much needed improvements to our immigration system. In light of the Committee's interest, we welcome the opportunity to discuss the Administration's immigration policy priorities and note that many Executive Branch officials, including cabinet secretaries and other agency leaders, have testified on multiple occasions regarding the Administration's efforts to secure the border. Testimony by such Executive Branch officials with responsibilities defined by statute would be a reasonable accommodation to the Committee's questions and legislative goals. If our

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office can be of further help to the Committee with respect to this important policy issue please let us know.

Sincerely,

A handwritten signature in black ink, reading "Pat A. Cipollone". The signature is written in a cursive style with a large, looping initial "P".

Pat A. Cipollone
Counsel to the President

cc: The Honorable Jim Jordan, Ranking Member