

April 22, 2019

*By Email*The Honorable Elijah E. Cummings
Chairman, Committee on Oversight and Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515
susanne.grooms@mail.house.gov

RE: Carl Kline

Dear Chairman Cummings:

I apologize for this late notice. However, per the attached letter, my client has been instructed not to appear tomorrow. With two masters from two equal branches of government, we will follow the instructions of the one that employs him. I hope you can appreciate the situation we are in. This decision is not made lightly and does not come from any ill will or deliberate defiance on my part or that of my client. We wished to answer the legitimate legislative questions of this committee, but warned of an impending conflict. We have done our best to avoid it by entreating this committee to consider withdrawing the subpoena in substitution of compulsory process for White House records. But the impasse has now hardened and as previously stated, the weighty constitutional issues at stake and controlling decisional law referenced (*see, e.g.*, Letter from Michael M. Purpura, Deputy Counsel to Chairman Elijah E. Cummings (Apr. 18, 2019)) are significant, and my client is truly not a party in interest. It is my sincere hope that this inter-branch dispute can be worked out. If so, we will promptly and eagerly arrange a time with committee staff for his voluntary appearance. Thank you for your understanding.

Sincerely,

McGlinchey Stafford

/s/

Robert N. Driscoll
*Counsel for Carl Kline*cc: The Honorable James D. Jordan, Ranking Member
Carl Kline