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# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
FACSIMILE (202) 225-3974  
MINORITY (202) 225-5051

<http://oversight.house.gov>

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July 11, 2014

Mr. W. Neil Eggleston  
Counsel to the President  
The White House  
Washington, D.C. 20500

Dear Mr. Eggleston:

Yesterday, you wrote to me regarding the Committee's invitation for David Simas, the Director of the White House Office of Political Strategy and Outreach (OPSO), to appear before the Committee at a hearing on July 16, 2014.<sup>1</sup> The Committee invited Mr. Simas to testify after the White House ignored two prior requests for documents that would have helped the Committee understand whether OPSO is complying with the Hatch Act and other statutes that apply to the use of taxpayer funds for political activities.<sup>2</sup> Surprisingly, your letter states that the White House Counsel's Office has "made significant efforts" to "accommodate" the Committee's concerns,<sup>3</sup> when in fact, the White House has yet to respond to the Committee's requests adequately. Consequently, I am left with no alternative but to use compulsory process to require Mr. Simas to appear before the Committee on July 16, 2014.

According to your letter, the invitation for Mr. Simas to testify "raises special concerns in light of the constitutional separation of powers."<sup>4</sup> These concerns did not impede the ability of former Committee Chairman Henry A. Waxman to conduct similar inquiries. In 2007, Chairman Waxman initiated a series of investigations into allegedly improper political activity in the Executive Branch. During the Committee's investigation—which spanned nearly two years—the staff interviewed or deposed 18 political appointees, including President Bush's political directors, Ken Mehlman, Matt

<sup>1</sup> Letter from W. Neil Eggleston, Counsel to the President, White House, to Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform (July 10, 2014).

<sup>2</sup> Letter from Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform, to Denis McDonough, Chief of Staff, The White House (Mar. 18, 2014); Letter from Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform, to Denis McDonough, Chief of Staff, White House (May 27, 2014).

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

<sup>4</sup> *Id.*

Schlapp, Sara Taylor, and Scott Jennings.<sup>5</sup> The Committee received nearly 70,000 pages of documents from the White House and agencies, and also issued a subpoena to the Chairman of the Republican National Committee to obtain e-mail records.<sup>6</sup>

I first wrote to the White House on March 18, 2014, requesting documents and information related to the reopening of the White House Office of Political Affairs (OPA),<sup>7</sup> as well as a briefing from White House staff.<sup>8</sup> A March 26, 2014, response from your predecessor failed to even acknowledge the Committee's requests for documents and a briefing.<sup>9</sup> In a second attempt to obtain the requested information, I wrote to the White House on May 27, 2014, requesting documents related to OPSO, and raising the possibility of using compulsory process to obtain the requested materials.<sup>10</sup> You provided a response on June 13, 2014, again ignoring the Committee's requests for documents.<sup>11</sup> On July 3, months after the Committee's initial requests for documents and a briefing, I wrote to Mr. Simas, requesting his appearance at a hearing to explore whether OPSO is in compliance with the Hatch Act.<sup>12</sup>

In your letter of July 10, you provided 185 pages of documents, most of which consist of two Hatch Act reports—one released by this Committee under Chairman Waxman in 2008, and one released by the U.S. Office of Special Counsel in 2011—related to political activity in the Bush White House.<sup>13</sup> Both are readily available online. You also offered to provide the briefing regarding OPSO that I initially requested on March 18, 2014—almost four months ago. I accept your offer to brief my staff in advance of next week's hearing. If, after the briefing, the Committee has no outstanding questions for Mr. Simas, I will reconsider whether it is necessary for him to appear at the hearing.

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<sup>5</sup> Democratic Staff, H. Comm. on Oversight & Gov't Reform, 110th Cong., *The Activities of the White House Office of Political Affairs* (Oct. 2008), available at <http://oversight-archive.waxman.house.gov/documents/20081015105434.pdf> [hereinafter OGR Report].

<sup>6</sup> *Id.*

<sup>7</sup> In Jan. 2014, the Office of Political Affairs (OPA) was rebranded the Office of Political Strategy and Outreach. However, the Office of Special Counsel (OSC) previously found that simply renaming OPA is not a "viable solution under the law." See The White House, Press Release, *President Obama Announces Key White House Posts* (Jan. 24, 2014), available at <http://www.whitehouse.gov/the-press-office/2014/01/24/president-obama-announces-key-white-house-posts>; see also U.S. Office of Special Counsel, *Investigation of Political Activities by White House and Federal Agency Officials During the 2006 Midterm Elections* (Jan. 2011), available at <http://www.scribd.com/doc/47501194/STF-Report-Final> [hereinafter OSC Report].

<sup>8</sup> Letter from Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform, to Denis McDonough, Chief of Staff, White House (March 18, 2014).

<sup>9</sup> Letter from Kathryn H. Ruemmler, Counsel to the President, White House, to Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform (March 26, 2014).

<sup>10</sup> Letter from Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform, to Denis McDonough, Chief of Staff, White House (May 27, 2014).

<sup>11</sup> Letter from W. Neil Eggleston, Counsel to the President, White House, to Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform (June 13, 2014).

<sup>12</sup> Hearing Invitation from Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform, to David Simas, Director, Office of Political Strategy & Outreach, White House (July 3, 2014).

<sup>13</sup> OGR report, *supra* note 5; see also OSC Report, *supra* note 6.

Mr. W. Neil Eggleston  
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Please contact Committee staff at (202) 225-5074 to schedule a briefing. Thank you for your attention to this matter.

Sincerely,

  
Darrell Issa  
Chairman

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Minority Member