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July 24, 2014

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

Dear Mr. Eggleston:

I write in response to your letter earlier today, in which you offered to provide additional information and to engage in further discussions about documents related to the White House Office of Political Strategy and Outreach (“OPSO”), and also requesting that the Committee lift the subpoena that compels OPSO Director David Simas to appear before the Committee tomorrow.¹ In addition, your letter also reiterated a concern about Mr. Simas appearing in public to testify about OPSO because he is a senior presidential adviser and his testimony may implicate separation of powers concerns.²

The Committee’s long-standing interest in political activity in the White House is based in part on reports that two members of President Obama’s Cabinet violated the Hatch Act during the 2012 election cycle. Labor Secretary Hilda Solis solicited campaign contributions from a subordinate employee by calling the employee’s government-issued BlackBerry.³ Health and Human Services Secretary Kathleen Sebelius attended an event at taxpayer expense, and then urged the audience to make sure President Obama “continues to be President for another four years.”⁴

¹ Letter from W. Neil Eggleston, Counsel to the President, to Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov’t Reform (July 24, 2014).

² *Id.*

³ *White House Office of Political Affairs: Is Supporting Candidates and Campaign Fund-Raising an Appropriate Use of a Government Office?: Hearing Before the H. Comm. on Oversight & Gov’t Reform*, 113th Cong. (July 16, 2014).

⁴ *White House indicates Sebelius won’t be punished over Hatch Act violation*, FOXNEWS.COM, Sept. 14, 2012, available at <http://www.foxnews.com/politics/2012/09/13/white-house-indicates-sebelius-wont-be-punished-over-hatch-act-violation/> (last visited July 24, 2014).

With the 2014 campaign season underway, there are already reports that raise questions as to whether, on Mr. Simas's watch, the White House is using taxpayer dollars for political activities. For example, the President's June 26-27 trip to Minnesota consisted of a previously scheduled Democratic Congressional Campaign Committee fundraiser.⁵ Official activities were subsequently tacked onto the itinerary, ensuring that the President's travel to the fundraiser was, at least partially, undertaken at taxpayer expense. Two weeks ago, the President traveled to Colorado on a fundraising trip in support of a Democratic Senator reportedly facing a close reelection race.⁶ The White House added an official event, and again, the taxpayers picked up part of the tab. Mr. Simas can answer, among other things, how OPSO ensures that events such as these, and others, are Hatch Act-compliant.

Your most recent correspondence contrasts the Committee's request for Mr. Simas's testimony and information about OPSO with former Chairman Waxman's prior investigation of the Bush White House's Office of Political Affairs. In the interest of providing accommodation, the Committee would be willing to postpone tomorrow's proceeding if the White House makes the same commitments to cooperate as the Bush Administration did previously: an opportunity to question Mr. Simas in a deposition setting; and the production of documents I requested on March 18, 2014. To the extent that any of those documents implicate the presidential communications privilege, identify such documents for the Committee with specificity.⁷ In case Mr. Simas's testimony and/or the documents raise additional questions, the Committee will submit such questions to the White House in the form of interrogatories. The White House must commit to provide written responses to those questions.

These accommodations should resolve any concerns you may have about disparate treatment of this White House and its predecessor as well as concerns about the President's ability to discharge his constitutional functions. Please notify the Committee as soon as possible, but by no later than this evening whether you accept this offer. Otherwise, the Committee will proceed with tomorrow's hearing, under the subpoena compelling Mr. Simas's testimony, which remains in effect.

Sincerely,



Darrell Issa

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

⁵ Brett Neely, *Obama to Attend High Dollar Fundraiser in Minneapolis*, CAPITOL VIEW: MPR NEWS, May 1, 2014, available at <http://blogs.mprnews.org/capitol-view/2014/05/obama-to-attend-high-dollar-fundraiser-in-minneapolis/> (last visited July 24, 2014).

⁶ *Obama Coming to Colorado for Udall Fundraiser, Appearance at Cheesman Park*, CBS DENVER, July 7, 2014, available at <http://denver.cbslocal.com/2014/07/07/obama-coming-to-colorado-for-udall-fundraiser/> (last visited July 24, 2014).

⁷ For each document that the White House withholds based on the presidential communications privilege, identify the date, the sender, and the recipient(s) of the communication.