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Congress of the United States  
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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STAFF DIRECTOR

August 12, 2014

Mr. Denis McDonough  
Chief of Staff  
The White House  
Washington, D.C. 20500

Dear Mr. McDonough:

In January 2014, the White House opened the Office of Political Strategy and Outreach (OPSO) and named David Simas, a top official from the President's re-election campaign team, as Director.<sup>1</sup> A White House aide told *Politico* that under Simas, OPSO would serve as:

[T]he point of contact on requests for presidential visits, fundraiser appearances and sign-offs on direct mail and email blasts. [Simas will] also oversee strategic planning and be the one administration officials turn to for guidance on what they can and can't legally do on the campaign trail.<sup>2</sup>

President Obama closed OPSO's predecessor—the White House Office of Political Affairs—just days before the Office of Special Counsel released a report that stated “there is a powerful argument that having an Office of Political Affairs that is active in political campaigns is not necessary or even a desirable component of the political advisory function in the White House.”<sup>3</sup> In light of that fact, and the troubled history of the White House's political office under previous Republican and Democratic administrations, I wrote to you on March 18, 2014, with a straightforward request for documents and information related to the decision to open OPSO.<sup>4</sup> The White House did not produce a substantive response—and still has not—despite several subsequent follow-up requests.

Because the White House was unwilling to provide the documents I requested, I asked Mr. Simas to testify at a hearing so the Committee could get answers to the questions that were

<sup>1</sup> Edward-Isaac Dovere, *White House to launch new political office*, POLITICO, Jan. 24, 2014.

<sup>2</sup> *Id.*

<sup>3</sup> U.S. Office of Special Counsel, *Investigation of Political Activities By White House and Federal Agency Officials During the 2006 Midterm Elections*, (Jan. 2011) at 75.

<sup>4</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).

raised by the White House's decision to re-open an office that the President himself had previously criticized.<sup>5</sup> He was unwilling to appear voluntarily, so I issued a subpoena to compel his testimony. Mr. Simas failed to comply with the subpoena, despite the fact that he was given two chances to do so. Rather than proceed immediately to enforcing the subpoena, I engaged in the accommodations process with the White House to try to find a way to hear from Mr. Simas. Although the Committee rejected the White House's claim that the President's advisers are absolutely immune from being compelled to testify before Congress, I have engaged with you in good faith to find another way for the Committee to get the information it needs.

I have proposed several alternatives to accommodate our respective interests in this matter, including hearing from Mr. Simas in a deposition setting. Our staffs have also discussed ways to resolve this issue, and it is my understanding that you have indicated a willingness to advance the Committee's understanding of OPSO's purpose and function by providing documents to that end. To further accommodate the White House's separation of powers concerns, I am narrowing the scope of my original document request, as our staffs discussed. The documents covered by this request will answer many of the Committee's outstanding questions, and the scope of the request has been narrowly tailored to exclude documents that may implicate the presidential communications privilege. We remain committed to hearing from Mr. Simas; however, I am hopeful that the White House's response to this request will move us toward a resolution of this matter.

The request covers three categories of documents. The first category includes documents related to OPSO's purpose and basic governance. These documents will show the considerations involved when the White House decided to re-open a political affairs office, and allow the Committee to evaluate whether the guidelines and criteria that OPSO uses are adequate to ensure Hatch Act compliance.

The second category includes documents related to two presidential trips where official business was tacked on to an itinerary that previously consisted of purely political functions.<sup>6</sup> These documents will show how and why those decisions were made, which will allow the Committee to better understand the considerations involved when taxpayer dollars are used for political activities.

The third category of documents includes OPSO's involvement in coordinating political activity for Cabinet officials. The White House has represented that OPSO has no such involvement, so accordingly I expect that this request will be easy to comply with. It is important for the Committee to have a firm understanding of how Cabinet officials arrange their political activity in light of the fact that, during the 2012 election cycle, two Cabinet officials violated the Hatch Act while campaigning for President Obama. Labor Secretary Hilda Solis solicited campaign contributions from a subordinate employee by calling the employee's

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<sup>5</sup> Michael D. Shear, *White House Comeback for Political Affairs Office*, N.Y. TIMES, Jan. 24, 2014.

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

government-issued BlackBerry.<sup>7</sup> At an event Health and Human Services Secretary Kathleen Sebelius attended at taxpayer expense, she urged the audience to make sure President Obama “continues to be President for another four years.”<sup>8</sup>

Please provide the following documents as soon as possible, but no later than August 19, 2014:

1. All documents and communications referring or relating to, or developed as part of, opening the White House Office of Political Strategy and Outreach (OPSO), including, but not limited to, any document or communication referring or relating to:
  - a. The purpose of OPSO;
  - b. OPSO’s predecessor, the White House Office of Political Affairs, which closed in January 2011;
  - c. Policies or guidelines for approval of travel;
  - d. Classification of travel as political, official, or both; and
  - e. Criteria and processes for approval and classification determinations.
2. All documents and communications between and among OPSO employees referring or relating to President Obama’s June 26-27, 2014, trip to Minnesota and President Obama’s July 8-9, 2014, trip to Colorado, including, but not limited to, documents and communications referring or relating to the decision to add official events to the President’s itinerary.
3. All documents and communications to or from OPSO employees referring or relating to travel and/or political events involving Cabinet officials.

In the event that a document covered by this request is withheld on the basis of the presidential communications privilege, provide a privilege log containing the following information concerning any such document: (a) the type of document; and (b) the date, author and addressee. I trust that this resolves the White House’s concerns related to producing documents that may implicate the presidential communications privilege.

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<sup>7</sup> *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, 113<sup>th</sup> Cong. (July 16, 2014).*

<sup>8</sup> *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/>.

Mr. Denis McDonough  
August 12, 2014  
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An attachment to this letter provides additional information about responding to the Committee's request. Please contact my staff at (202) 225-5074 with any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darrell Issa", is written over a horizontal line.

Darrell Issa  
Chairman

Enclosure

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

ONE HUNDRED THIRTEENTH CONGRESS  
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**Responding to Committee Document Requests**

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
  - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,  
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,  
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,

CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been

located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.
19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Schedule Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.