

THE WHITE HOUSE

WASHINGTON

May 7, 2019

The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Nadler:

I write in reference to a subpoena issued by the Committee on the Judiciary (the "Committee") to Donald F. McGahn II on April 22, 2019, which requests the production of documents by 10:00 a.m. on Tuesday, May 7.

The subpoena seeks certain White House records provided to Mr. McGahn while he was Counsel to the President that are related to Special Counsel Robert S. Mueller, III's investigation. The White House provided these records to Mr. McGahn in connection with its cooperation with the Special Counsel's investigation and with the clear understanding that the records remain subject to the control of the White House for all purposes. The White House records remain legally protected from disclosure under longstanding constitutional principles, because they implicate significant Executive Branch confidentiality interests and executive privilege.

Because Mr. McGahn does not have the legal right to disclose these documents to third parties, I would ask the Committee to direct any request for such records to the White House, the appropriate legal custodian. The Acting Chief of Staff to the President, Mick Mulvaney, has directed Mr. McGahn not to produce these White House records in response to the Committee's April 22 subpoena. The Department of Justice is aware of and concurs with this legal position. My Office will respond to the Committee concerning its interest in the records.

Please do not hesitate to contact me directly if you have any questions or would like to discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat A. Cipollone". The signature is fluid and cursive, with a large, stylized "C" at the end.

Pat A. Cipollone
Counsel to the President

cc: The Honorable Doug Collins, Ranking Member