

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

COMMITTEE ON THE JUDICIARY,  
UNITED STATES HOUSE OF  
REPRESENTATIVES,  
2138 Rayburn House Office Building  
Washington, D.C. 20515,

*Plaintiff,*

v.

DONALD F. MCGAHN II,  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001,

*Defendant.*

Case No. 1:19-cv-2379

**Exhibit DD**

**THE WHITE HOUSE**

WASHINGTON

June 4, 2019

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

Dear Chairman Nadler:

I write in reference to subpoenas issued by the Committee on the Judiciary (the “Committee”) on May 21, 2019 to Annie Donaldson Talley and Hope Hicks, which request the production of documents by 10:00 a.m. on Tuesday, June 4.

The subpoenas seek documents related to matters that were subjects of the investigation conducted by Special Counsel Robert S. Mueller, III. Those documents include White House records that remain legally protected from disclosure under longstanding constitutional principles, because they implicate significant Executive Branch confidentiality interests and executive privilege. Because Ms. Talley and Ms. Hicks do not have the legal right to disclose the White House records to third parties, I would ask that the Committee direct any request for such records to the White House, the appropriate legal custodian.

As part of the same investigation, the Committee issued a subpoena to Attorney General William P. Barr on May 1, 2019, essentially seeking access to all information developed by the Special Counsel in the course of his investigation. We understand that the Committee recently proposed to narrow that subpoena to address the materials of the greatest interest to its investigation, and that the Department of Justice (“Department”) has indicated a willingness to discuss a process by which the Department could accommodate the Committee’s requests, in a manner consistent with the law and the confidentiality interests of the Executive Branch. We hope that these discussions between the Committee and the Department will result in a reasonable accommodation of the Committee’s requests and the Executive Branch’s confidentiality interests.

Because the outcome of the negotiations between the Committee and the Department may potentially resolve this matter, we suggest deferring any discussions, if necessary, with the White House until the accommodation process with the Department is complete. Needless to say, the White House records at issue involve significant Executive Branch confidentiality interests, and the ongoing accommodation process with the Department may satisfy the Committee’s informational needs. Accordingly, Acting Chief of Staff to the President Mick Mulvaney has directed Ms. Talley and Ms. Hicks not to produce documents in response to the Committee’s May 21 subpoenas that relate in any way to the White House. The Department is aware of and concurs with this legal position.

The Honorable Jerrold Nadler

Page 2

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Pat A. Cipollone". The signature is fluid and cursive, with the first name "Pat" and middle initial "A." being more compact, and the last name "Cipollone" being more elongated and flowing.

Pat A. Cipollone  
*Counsel to the President*

cc: The Honorable Doug Collins, Ranking Member