

Congress of the United States  
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM  
2157 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6143

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<http://oversight.house.gov>

April 27, 2019

Mr. Carl Kline  
c/o Robert N. Driscoll  
McGlinchey Stafford, Attorneys at Law  
1275 Pennsylvania Avenue N.W., Suite 420  
Washington, D.C. 20004

Dear Mr. Kline:

Your refusal to participate in a deposition last Tuesday pursuant to a duly authorized subpoena from this Committee is a very serious matter that places you in significant legal jeopardy. Your actions are particularly egregious because you did not even appear before the Committee as the subpoena directed. I understand that the White House ordered you not to appear, but that is not a valid legal reason to defy a congressional subpoena. The President has not asserted any Constitutional privilege and has not relieved you of the legal requirements the subpoena imposed. Despite the President's indiscriminate vow to keep "fighting all the subpoenas"—untethered from any legal rationale—you have your own obligation to comply.

On Friday, Ranking Member Jim Jordan and White House Counsel Pat Cipollone wrote letters to each other suggesting that you have now agreed to participate in a voluntary transcribed interview this coming Wednesday. However, Rep. Jordan and the White House also seem to have agreed—among themselves—to limit the scope of your interview. They claim it will include no questions about the specific White House officials' cases the Committee is investigating and no questions about allegations that you retaliated against a White House whistleblower who provided significant information to the Committee. Instead, they appear to be trying to recycle the same inadequate offer they made on April 1—for only a general discussion of "personnel security policies and practices" and nothing more.

Based on the record before us, I am confident that the Committee could move forward with contempt against you immediately, particularly since your defiance of the Committee's subpoena was so flagrant. However, I have always endeavored to be as fair as possible in the pursuit of truth, particularly with witnesses who are willing to come before the Committee.

For this reason, the Committee will temporarily postpone consideration of any contempt motion against you and instead hold a transcribed interview with you on Wednesday, May 1, 2019, at 10 a.m. in Room 2157 of the Rayburn House Office Building. Both your personal counsel and attorneys from the White House Counsel's office will be permitted to attend.

However, the scope of questioning will not be limited. The Committee sets the scope of its interviews and depositions—not Rep. Jordan and the President’s other defense counsels. You will be expected to answer all of the Committee’s questions, including questions about specific White House officials and allegations of retaliation against the whistleblower. If you answer all of these questions, there would be no need for the Committee to pursue contempt against you in the future. This burden rests squarely with you, with the advice of your personal counsel, and not with White House attorneys who may direct you to disregard the Committee’s questions without an assertion of privilege.

The Committee is not interested in unnecessary conflict. The Committee is interested in obtaining the documents and testimony we need to investigate significant and serious national security risks at the White House, developing legislative reforms to address those security risks in the future, and protecting a White House employee who took great personal and professional risks to blow the whistle on those security risks.

Sincerely,



Elijah E. Cummings  
Chairman

cc. The Honorable Jim Jordan, Ranking Member

Mr. Pat Cipollone, White House Counsel