

November 2, 2019

The Honorable Eliot L. Engel, Chairman
House Foreign Affairs Committee
Washington, D.C. 20515

The Honorable Adam B. Schiff, Chairman
House Permanent Select Committee on Intelligence
Washington, D.C. 20515

The Honorable Carolyn B. Maloney, Acting Chairwoman
House Committee on Oversight and Reform
Washington, D.C. 20515

Dear Chairman Engel, Chairman Schiff, and Acting Chairwoman Maloney:

I represent Mr. Robert B. Blair, Assistant to the President and Senior Adviser to the Chief of Staff, with respect to the House of Representatives' impeachment inquiry. This letter is in response to your October 24, 2019, request that Mr. Blair appear and give testimony at a deposition to be conducted jointly by your Committees. Although your request asked Mr. Blair to appear on Friday, November 1, 2019, that date has been extended by your Committees to Monday, November 4, 2019.

Mr. Blair has been directed by the White House not to appear and testify at the Committees' proposed deposition, based on the Department of Justice's advice that the Committees may not validly require an executive branch witness to appear at such a deposition without the assistance of agency counsel. In light of the clear direction he has been given by the Executive Branch, Mr. Blair must respectfully decline to testify, as you propose, on Monday, November 4, 2019.

Mr. Blair understands that the Committee members may have a different view of the relevant law, and may disagree with the opinion of the Department of Justice, but he finds himself caught in the middle between the commands and assertions of legal duty by two co-equal branches of government. Therefore, Mr. Blair will comply with the direction of the White House and decline to appear for testimony, unless and until the White House provides him with different

instructions, or the courts determine finally that the law requires him to appear and testify despite the Executive Branch's directive that he not do so. It is not within Mr. Blair's power to resolve a conflict between the Legislative and Executive branches. Nevertheless, he will fulfill all his legal duties once that conflict is appropriately resolved.

Please contact me if you have any questions.

Sincerely,

Whitney Ellerman