



November 4, 2019

Karen D. Williams

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VIA E-MAIL

The Honorable Eliot L. Engel
Chairman
House Committee on Foreign Affairs
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

Re: Preston Wells Griffith

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

As discussed with Committee counsel, Mr. Griffith respectfully declines to appear for a deposition before the joint Committees conducting the impeachment inquiry, based upon the direction of White House Counsel that he not appear due to agency counsel not being permitted. As of this writing, Mr. Griffith has not been subpoenaed to testify. Mr. Griffith has been put in a paramount dilemma between two equal branches of government: If he appears—either voluntarily or under subpoena—under the House rules, he could be held in contempt if he refuses to answer questions that implicate privilege. If he does not appear, as is the direction from the White House Counsel, he could also be held in contempt.

In the absence of agreement between the Executive branch and Congress, there are pending lawsuits relevant to the disputes between the Executive branch and Congress regarding the testimony of witnesses being sought in this inquiry. Mr. Griffith will abide by whatever final decision the federal judiciary reaches regarding privilege and the validity of a subpoena issued by the Committees. Alternatively, if Congress and the Executive branch reach resolution as to the conflicting issues facing witnesses, Mr. Griffith is prepared to perform his legal duties once the conflicting directives are resolved.

Should the Committees choose to issue a subpoena to Mr. Griffith, I will accept service on his behalf.

Sincerely,

COZEN O'CONNOR

By: Karen D. Williams