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November 5, 2019

Congress of the United States
Washington, DC 20515

The Honorable Adam B. Schiff
Chairman
House Permanent Select Committee on Intelligence

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

The Honorable Carolyn B. Maloney
Acting Chairwomen
House Committee on Oversight and Reform

Dear Chairpersons Schiff, Engel and Maloney:

I write on behalf of T. Ulrich Brechbuhl with respect to the subpoena from the House of Representatives Permanent Select Committee on Intelligence for an appearance before your joint Committees on November 6, 2019. Mr. Brechbuhl respects the important Constitutional powers vested in the United States Congress. And, indeed, he would welcome the opportunity to address through testimony an existing inaccuracy in the public record -- the false claim that Mr. Brechbuhl in any way personally participated in the telephone call between President Trump and President Zelensky that occurred on July 25, 2019.

However, Mr. Brechbuhl has received a letter of instruction from the State Department, directing that he not appear. The State Department letter of instruction asserts significant Executive Branch interests as the basis for direction not to appear and also asserts that the subpoena Mr. Brechbuhl received is invalid. The letter is supported by an analysis from the United States Department of Justice.

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We are also aware that litigation has recently been initiated in the United States District Court for the District of Columbia that may bear on resolving the significant issues now arising between the Committees and the President.

Given these current circumstances, Mr. Brechbuhl is not able to appear on November 6, 2019.

Sincerely,



Ronald J. Tenpas

Cc: The Honorable Michael McCaul, Ranking member
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member
House Committee on Oversight and Reform