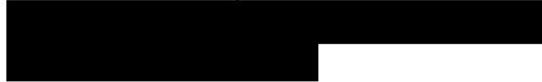


December 7, 2021

VIA EMAIL

Honorable Bennie G. Thompson, Chairman  
Honorable Liz Cheney, Vice Chair  
Select Committee to Investigate the January 6th Attack on the United States Capitol  
U.S. House of Representatives



Re: Subpoenas Served on Honorable Mark R. Meadows

Dear Chair Thompson and Vice Chair Cheney:

Over the last several weeks, Mr. Meadows has consistently sought in good faith to pursue an accommodation with the Select Committee and up until yesterday we believed that could be obtained. We acted on the belief that the Select Committee would receive, also in good faith, relevant, responsive but non-privileged facts. We have consistently communicated to the Select Committee that Mr. Meadows is precluded from making a unilateral decision to waive Executive Privilege claims asserted by the former president.

We agreed to provide thousands of pages of responsive documents and Mr. Meadows was willing to appear voluntarily, not under compulsion of the Select Committee's subpoena to him, for a deposition to answer questions about non-privileged matters. Now actions by the Select Committee have made such an appearance untenable. In short, we now have every indication from the information supplied to us last Friday - upon which Mr. Meadows could expect to be questioned - that the Select Committee has no intention of respecting boundaries concerning Executive Privilege. In addition, we learned over the weekend that the Select Committee had, without even the basic courtesy of notice to us, issued wide ranging subpoenas for information from a third party communications provider without regard to either the broad breadth of the information sought, which would include intensely personal communications of no moment to any legitimate matters of interest to the Select Committee, nor to the potentially privileged status of the information demanded. Moreover, Mr. Chairman, your recent comments in regard to another

witness that his assertion of 5th Amendment rights before the Select Committee is tantamount to an admission of guilt calls into question for us what we had hoped would be the Select Committee's commitment to fundamental fairness in dealing with witnesses.

As a result of careful and deliberate consideration of these factors, we now must decline the opportunity to appear voluntarily for a deposition. It is well-established that Congress's subpoena authority is limited to the pursuit of a legitimate legislative purpose. Congress has no authority to conduct law enforcement investigations or free-standing "fact finding" missions. Even where there is a legislative purpose, requests that implicate the Separation of Powers by targeting current or former Executive officials must be narrowly tailored. Yet again, with the breadth of its subpoenas and its pugnacious approach, the Select Committee has made clear that it does not intend to respect these important constitutional limits.

\* \* \* \* \*

Mr. Meadows proudly served as Chief of Staff to President Trump and in that role assumed responsibility to protect Executive Privilege during and after his tenure. He assumed that responsibility not for his own benefit but for the benefit of all those who will serve after him, including future presidents. His appreciation for our constitutional system and for the Separation of Powers dictates that he cannot voluntarily appear under these circumstances. Nonetheless, as we have before, we reiterate our willingness to consider an interrogatory process of Select Committee written questions and answers from Mr. Meadows so that there might be both an orderly process and a clear record of questions and related assertions of privilege where appropriate.

Sincerely yours,



George J. Terwilliger III

cc:

