



DAVIDOFF HUTCHER & CITRON LLP
ATTORNEYS AT LAW

[REDACTED]

[REDACTED]

FIRM OFFICES

WHITE PLAINS
ATTORNEYS AT LAW

[REDACTED]

WEST PALM BEACH
ATTORNEYS AT LAW

[REDACTED]

FIRM OFFICES

ALBANY
ATTORNEYS AT LAW

[REDACTED]

WASHINGTON, D.C.
ATTORNEYS AT LAW

[REDACTED]

October 18, 2021

Hon. Bennie G. Thompson
Chairman
House Select Committee to Investigate the January 6th Attack

[REDACTED]

Re: The Subpoena for Stephen K. Bannon dated September 23, 2021

Dear Congressman Thompson:

We write on behalf of Stephen Bannon. We have just been advised of the filing of a lawsuit in federal court for the District of Columbia entitled Donald J. Trump v. Bennie Thompson, et al., 21-Civ-02769 (D.D.C. 2021). In light of this late filing, we respectfully request a one-week adjournment of our response to your latest letter so that we might thoughtfully assess the impact of this pending litigation.

Very truly yours,

/s/ Robert J. Costello

RJC/nc

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

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ADAM B. SCHIFF, CALIFORNIA
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U.S. House of Representatives
Washington, DC 20515

january6th.house.gov
(202) 225-7800

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

October 19, 2021

Mr. Robert J. Costello
Davidoff Hutter & Citron LLP



Dear Mr. Costello,

The Select Committee to Investigate the January 6th Attack on the United States Capitol (“Select Committee”) is in receipt of your October 18, 2021, letter requesting a one-week “adjournment” of your response to my October 15, 2021, letter. The only basis for your request is yesterday’s filing of litigation by former President Trump against the Chairman, Select Committee, Archivist of the United States, and the National Archives and Records Administration. That litigation relates to the Select Committee’s requests for documents in the possession of the National Archives and is immaterial to the Select Committee’s demand for documents and testimony from Mr. Bannon. The investigation of the Select Committee is extremely important and urgent for the nation, and further delay in compliance by Mr. Bannon undermines the ability of the Committee to timely complete its essential responsibilities. Accordingly, no grounds exist for any “adjournment” or other delay and your request is denied.

Sincerely,

A handwritten signature in blue ink that reads "Bennie G. Thompson".

Bennie G. Thompson
Chairman



THE WHITE HOUSE
WASHINGTON

October 18, 2021

Robert J. Costello
Davidoff Hutcher & Citron LLP

Dear Mr. Costello:

I write regarding the subpoena for documents and deposition testimony issued on September 23, 2021, by the House Select Committee to Investigate the January 6th Attack on the United States Capitol (the "Select Committee") to your client, Stephen K. Bannon.

As you are aware, Mr. Bannon's tenure as a White House employee ended in 2017. To the extent any privileges could apply to Mr. Bannon's conversations with the former President or White House staff after the conclusion of his tenure, President Biden has already determined that an assertion of executive privilege is not in the public interest, and therefore is not justified, with respect to certain subjects within the purview of the Select Committee. Specifically, President Biden determined that an assertion of executive privilege is not justified with respect to a set of documents shedding light on events within the White House on and about January 6, 2021,¹ and with respect to documents and testimony concerning the former President's efforts to use the Department of Justice to advance a false narrative that the 2020 election was tainted by widespread fraud.² President Biden's determination that an assertion of privilege is not justified with respect to these subjects applies to your client's deposition testimony and to any documents your client may possess concerning either subject.

Please contact me if you have questions about the matters described herein. Please note, however, that at this point we are not aware of any basis for your client's refusal to appear for a deposition.

Sincerely,

Jonathan C. Su
Deputy Counsel to the President

cc:

[REDACTED]
[REDACTED]
Select Committee to Investigate the January 6th Attack on the United States Capitol

¹ See Letter to David S. Ferriero, Archivist of the United States, from Dana A. Remus, Counsel to the President (Oct. 8, 2021).

² See Letter to Jeffrey A. Rosen from G. Bradley Weinsheimer, Associate Deputy Attorney General, Department of Justice (July 26, 2021).