



THE WHITE HOUSE
WASHINGTON

February 28, 2022

David A. Warrington
Dhillon Law Group Inc.
[REDACTED]

Dear Mr. Warrington:

I write regarding a subpoena sent to your client, General Michael Flynn, from the Select Committee to Investigate the January 6th Attack on the United States Capitol (the “Select Committee”).

As you are aware, General Flynn’s tenure as a White House employee ended in 2017. To the extent any privileges could apply to General Flynn’s conversations with the former President or White House staff after the conclusion of his tenure, President Biden has determined that an assertion of executive privilege is not in the national interest, and therefore is not justified, with respect to particular subjects within the purview of the Select Committee. These subjects include: events within the White House on or about January 6, 2021; attempts to use the Department of Justice to advance a false narrative that the 2020 election was tainted by widespread fraud; and other efforts to alter election results or obstruct the transfer of power. President Biden accordingly has decided not to assert executive privilege as to General Flynn’s testimony regarding those subjects, or any documents he may possess that bear on them.

Because your client was not an Executive Branch employee during the events at the core of the Select Committee’s inquiry, we do not believe there is any requirement that agency counsel be present at his deposition. But given President Biden’s position on executive privilege in this matter, we would not request that agency counsel be permitted to attend in any event.

Should you have any questions about the issues addressed in this letter, please contact me at (202) 456-3297. 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: Kristin L. Amerling
Chief Counsel and Deputy Staff Director
Select Committee to Investigate the January 6th Attack on the United States Capitol