



One Hundred Eighteenth Congress  
U.S. House of Representatives  
Committee on Foreign Affairs  
2170 Rayburn House Office Building  
Washington, DC 20515

June 17, 2024

Jen Psaki  
Former White House Press Secretary  
Transmitted Electronically

Dear Ms. Psaki:

As you are aware, the House Committee on Foreign Affairs is investigating the Biden Administration's withdrawal from Afghanistan. Pursuant to that investigation, on September 8, 2023, I first requested you make yourself available for a transcribed interview, given your tenure as White House Press Secretary throughout 2021.<sup>1</sup> In that capacity, you served as an authoritative source on the U.S. military retrograde from Afghanistan and the August 2021 non-combatant evacuation operation (NEO). Nine months after that request, I received your counsel's June 12, 2024, letter and accept your commitment to appear for a transcribed interview on **July 26, 2024, at 10:00 am.**<sup>2</sup>

However, I understand you have conditioned your appearance on approval by the White House.<sup>3</sup> As my staff informed your counsel, it is incumbent on a witness appearing before the Committee to make any third-party arrangements.<sup>4</sup> The Committee is nevertheless available to attend meetings and be included in correspondence between you and the White House to represent the Committee's equities. While I hope to proceed with your voluntary appearance, I expect you to have resolved the conditionality of your appearance by June 26, 2024. If not, I must treat your June 12 response as a refusal to appear and you will be compelled to sit for a deposition on July 26, 2024.

As noted, the Committee's efforts to proceed with your transcribed interview span nine months. On September 8, 2023, the Committee submitted its first request for a transcribed interview, providing you until September 18, 2023, to schedule your voluntary appearance.<sup>5</sup> On September 18, 2023, your counsel, Ms. Loeb, instead, responded stating that you wish to be helpful, but

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<sup>1</sup> Letter from Michael T. McCaul, Chairman, H. Comm. on Foreign Affs. (HFAC), to Jen Psaki (Sept. 8, 2023).

<sup>2</sup> Letter from Emily Loeb, Partner, Jenner & Block LLP, to Michael T. McCaul, Chairman, HFAC (June 12, 2024).

<sup>3</sup> *Id.*

<sup>4</sup> Call between HFAC Staff and Emily Loeb, Partner, Jenner & Block LLP (June 11, 2024).

<sup>5</sup> Letter from Michael T. McCaul, Chairman, HFAC, to Jen Psaki (Sept. 8, 2023).

ultimately defer to the White House Counsel's Office.<sup>6</sup> Former Special Counsel to the President Richard Sauber wrote on behalf of the White House, despite your status as a private citizen, to request that the Committee exhaust other means of obtaining the information relevant to our legislative interests before pursuing an interview with you.<sup>7</sup>

On September 25, 2023, the Committee repeated its request for your transcribed interview, giving you until September 28, 2023, to schedule your voluntary appearance.<sup>8</sup> The Committee outlined its interest in your testimony and explained how your experiences and insights have no substitute. On September 28, 2023, your counsel again stated that you wish to be helpful, but defer to Mr. Sauber, who wrote a letter reiterating the White House's expectation of exhaustion.<sup>9</sup>

Since then, the Committee sought the necessary information for its investigation from the U.S. Department of State, U.S. Department of Defense, and other relevant entities and individuals. As anticipated, it was unable to find a substitute for your testimony. The Committee completed voluntary transcribed interviews of 17 current and former State Department and Defense Department officials. It also held numerous public hearings with senior government officials, including former Chairman of the Joint Chiefs of Staff General Mark Milley, and Commander of U.S. Central Command, General Kenneth Frank McKenzie, both of whom, again, appeared voluntarily. Further, the Committee engaged in a rigorous discovery process, reviewing over 10,000 pages of agency documents, which only further confirmed the need for your testimony.

On May 22, 2024, the Committee outlined those exhaustive efforts to your counsel and highlighted the need for your transcribed interview, providing you until May 28, 2024, to schedule your appearance.<sup>10</sup> Your counsel responded to my letter with an email to Committee staff; that email failed to provide proposed dates for your appearance and referenced Mr. Sauber's September communications.<sup>11</sup>

On June 5, 2024, the Committee sent you a letter communicating my dismay with your continued delays in scheduling. The letter warned that compulsory process would follow should you fail to schedule your transcribed interview by June 12, 2024.<sup>12</sup>

On June 10, 2024, Deputy Counsel to the President Rachel Cotton wrote on behalf of the White House, critiquing the Committee's request for your interview and accusing it of failing to exhaust the interbranch accommodation process.<sup>13</sup>

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<sup>6</sup> Letter from Emily Loeb, Partner, Jenner & Block LLP, to Michael T. McCaul, Chairman, HFAC (Sept. 18, 2023)

<sup>7</sup> Letter from Richard Sauber, Spec. Couns. to the President, White House, to Michael T. McCaul, Chairman, HFAC (Sept. 18, 2023).

<sup>8</sup> Letter from Michael T. McCaul, Chairman, HFAC, to Emily Loeb, Partner, Jenner & Block LLP (Sept. 25, 2023).

<sup>9</sup> Letter from Emily Loeb, Partner, Jenner & Block LLP, to Michael T. McCaul, Chairman, HFAC (Sept. 28, 2023); Letter from Richard Sauber, Spec. Couns. to the President, White House, to Michael T. McCaul, Chairman, HFAC (Sept. 28, 2023).

<sup>10</sup> Letter from Michael T. McCaul, Chairman, HFAC, to Emily Loeb, Partner, Jenner & Block LLP (May 22, 2024).

<sup>11</sup> E-mail from Emily Loeb, Partner, Jenner & Block LLP, to HFAC Staff (May 28, 2024).

<sup>12</sup> Letter from Michael T. McCaul, Chairman, HFAC, to Emily Loeb, Partner, Jenner & Block LLP (June 5, 2024).

<sup>13</sup> Letter from Rachel E. Cotton, Deputy Couns. to the President, White House, to Michael T. McCaul, Chairman, HFAC (June 10, 2024).

That same day, the Committee contacted your counsel, offering a meeting with staff to attempt to address your concerns and stated commitment to “be as helpful as possible in responding to the Committee’s legitimate oversight requests.”<sup>14</sup> The meeting took place on June 11, 2024, during which your counsel committed to provide proposed dates for your appearance in exchange for the Committee’s assurance to provide a list of non-exhaustive interview topics in advance of your transcribed interview.<sup>15</sup> The Committee agreed to that accommodation.

Finally, on June 12, 2024, your counsel provided the Committee proposed dates for your appearance.<sup>16</sup> Nevertheless, as noted above, those proposed dates appear to be conditioned on White House approval; approval which you have yet to obtain.

As you are aware, Congress’s oversight and legislative powers are derived from the U.S. Constitution and have repeatedly been affirmed by the U.S. Supreme Court.<sup>17</sup> Further, the Rules of the U.S. House of Representatives furnishes the Committee with legislative and oversight jurisdiction over, among other things, “[r]elations of the United States with foreign nations generally,” “[d]iplomatic service,” and “[p]rotection of American citizens abroad and expatriation.”<sup>18</sup> The Committee’s investigation has revealed that the information you provided from the podium during your tenure as White House Press Secretary frequently misrepresented realities on the ground in Afghanistan throughout 2021. Your statements raise serious concerns about the breakdown of diplomatic information channels and their dissemination processes.

The Committee has a vested interest in understanding those diplomatic and information transmission failures, which led to misrepresentations regarding, amongst other things, coordination with allies, contingency planning, the foreseeability of Afghanistan’s collapse, and the safety of Americans and allies in Afghanistan. As a former public servant, and now, a private citizen in the public sphere, you have a duty to appear before Congress when called upon. Should you wish to avoid being the sole witness to date compelled to appear in this investigation, the limitations imposed on your appearance by the White House must be resolved by June 26, 2024.

Sincerely,

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<sup>14</sup> E-mail from HFAC Staff to Emily Loeb, Partner, Jenner & Block LLP (June 11, 2024); E-mail from Emily Loeb, Partner, Jenner & Block LLP, to HFAC Staff (May 28, 2024).

<sup>15</sup> Call between HFAC Staff and Emily Loeb, Partner, Jenner & Block LLP (June 11, 2024).

<sup>16</sup> Letter from Emily Loeb, Partner, Jenner & Block LLP, to Michael T. McCaul, Chairman, HFAC (June 12, 2024).

<sup>17</sup> See U.S. CONST. art. I; *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927) (holding that “the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function”); *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491, 504 (1975) (holding that “the power to investigate is inherent in the power to make laws”); *Barenblatt v. United States*, 360 U.S. 109, 111 (1959) (holding that “the scope of power of inquiry . . . is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution”).

<sup>18</sup> CLERK OF THE H.R., 118TH CONG., RULES OF THE H.R., Rule X(1)(i) (2023), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>.



Michael T. McCaul  
Chairman  
House Foreign Affairs Committee

Cc:

Rep. Gregory W. Meeks, Ranking Member  
House Foreign Affairs Committee