

# **EXHIBIT 1**



THE WHITE HOUSE  
WASHINGTON

October 18, 2021

Robert J. Costello  
Davidoff Hutchler & Citron LLP  
605 Third Avenue  
New York, NY 10158

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,<sup>1</sup> 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.<sup>2</sup> 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: Kristin L. Amerling  
Chief Counsel and Deputy Staff Director  
Select Committee to Investigate the January 6th Attack on the United States Capitol

<sup>1</sup> See Letter to David S. Ferriero, Archivist of the United States, from Dana A. Remus, Counsel to the President (Oct. 3, 2021).

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

SKB-000029

US-000998