

KENNETH T. CUCCINELLI, II  
ATTORNEY AT LAW

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February 24, 2021

Douglas N. Letter  
General Counsel  
Office of General Counsel  
U.S. House of Representatives  
5140 O'Neill House Office Building  
Washington, D.C. 20515  
Counsel for the House of Representatives, Speaker of the House and Acting Sergeant at Arms  
Via email only to: Douglas.Letter@mail.house.gov

Thomas A. DiBiase  
General Counsel  
U.S. Capitol Police  
Via email only to: Thomas.DiBiase@uscg.gov  
Counsel for the U.S. Capitol Police and Acting Chief of Police

Subject: Reply to your letter of February 23, 2021

Dear Messrs. Letter and DiBiase,

I write in reply to your letter of yesterday, and I will address those questions of yours that can be addressed at this time. However, I would also appreciate receiving your confirmation that the evidence preservation previously requested will be undertaken.

With regard to your question about the possibility and timing of any legal action, that will depend on whether and how the Ethics Committee addresses Representative Clyde's appeals, which were filed yesterday and are included as an enclosure herewith for your convenience ("appeal letter"). The evidence preservation letter was sent in order to preserve Representative Clyde's ability to protect his legal and constitutional rights, in the event that litigation becomes necessary to vindicate those rights.

With regard to your question about potential claims, I would refer you to the appeal letter for an outline of the likely claims of any legal action that may be necessary, to the extent they are not properly addressed by the Ethics Committee.

Finally, I would ask you whether, if legal action proceeded, your clients would be willing to agree to refrain from enforcing H.R. 73 during the pendency of such legal action? If so, there would be no cause to consider expediting any aspect of a case. Your reply on this point would be appreciated.

Sincerely,

A handwritten signature in black ink that reads "Ken C II". The signature is written in a cursive style with a large, stylized "C" and a Roman numeral "II" at the end.

Kenneth T. Cuccinelli, II

Cc: Todd Tatelman, Principal Deputy General Counsel, U.S. House of Representatives  
Todd.Tatelman@mail.house.gov

Enc.: February 23, 2021 Appeal Letter of Representative Clyde submitted to the House Ethics  
Committee