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June 26, 2026

VIA ELECTRONIC MAIL

Honorable Jim Jordan
Chairman, Committee on the Judiciary
U.S. House of Representatives

Honorable James Comer
Chairman, Committee on Oversight and Government Reform
U.S. House of Representatives

Honorable Bryan Steil
Chairman, Committee on House Administration
U.S. House of Representatives

Re: Investigation of ActBlue

Dear Chairmen Jordan, Comer, and Steil:

On behalf of ActBlue LLC (“ActBlue”), we write in response to the Committees’ letter dated June 18, 2026. That letter opens by accusing ActBlue of “obstruct[ing]” the Committees’ inquiry. The accusation is false. It was false when the Committees first made it and it remains false today. We address it directly because the repetition of a charge does not establish its truth, especially given ActBlue’s record of cooperation in this case.

As we have previously explained, ActBlue has cooperated extensively with the Committees’ investigations. Since the fall of 2023, ActBlue has made seven productions—both voluntarily and in response to subpoenas—totaling thousands of pages of documents, and has answered the Committees’ requests time and again. Indeed, ActBlue made a voluntary production of roughly 2,660 pages just this past week, after committing to collecting and producing materials responsive to the Committees’ two new requests in their April 14, 2026 letter. As you know, ActBlue previously committed to continuing to produce documents responsive to these requests on a rolling basis.

ActBlue’s cooperation did not stop there. After ActBlue’s September 2025 production, the Committees cited the absence of a document-level log as the reason they had “no basis to assess the validity” of ActBlue’s privilege claims. Although not legally required to produce a privilege log, ActBlue answered that demand by creating and producing a privilege log, which detailed, on a document-by-document basis: the records withheld as privileged, the date, the participants, and the specific basis for the assertion over each document. An entity that voluntarily produces thousands of pages, complies with subpoenas, consistently answers follow-up requests, produces a privilege log it was never obligated to create, and then responds to new voluntary requests with a fresh production of hundreds of documents does not, by definition, engage in “obstruction.” To the contrary, that is the essence of cooperation.

The Committees are free to disagree with ActBlue’s privilege determinations. But they should not recast a lawful, fully documented, and entirely ordinary assertion of attorney-client privilege as “obstruction.” Asserting a privilege that courts have recognized for centuries as a fundamental legal right is not obstruction, and simply calling it that does not make it so.¹ Consistent with its history of cooperation, and in an effort to bring this fishing expedition to a close, ActBlue is willing to take further steps to assist. Indeed, we are willing to provide redacted versions of the two disputed documents and meet and confer on any remaining privilege questions.

* * *

Your June 18 letter states that the Committees “struggle to understand” how two documents—a resignation letter from Mr. Ting and an internal message from Mr. Ahmad—“could be privileged.” Respectfully, this should not be difficult to understand. ActBlue has explained the basis for these claims more than once: in its April 28, 2026 letter, in meetings with Committee staff, and on its June 5, 2026 privilege log. The explanation has never changed. Both documents are communications by ActBlue’s own in-house counsel that provide or reflect legal advice, and both are privileged for precisely that reason.

The Committees do not dispute that communications containing legal advice from counsel are privileged. Their quarrel is with the factual premise—whether these documents actually contain legal advice. The Committees assume, based upon their own “common sense,” that the “purpose” of Mr. Ting’s resignation letter must have been to resign, and the “purpose” of Mr. Ahmad’s message must have been to air a grievance, so it follows, according to the Committees’ reasoning, that neither could contain legal advice. That reasoning rests on the same “false dichotomy” that led the D.C. Circuit to vacate a district court’s production order in the very case the Committees cite: *In re Kellogg Brown & Root, Inc.*, 756 F.3d 754, 758 (D.C. Cir. 2014). There, the D.C. Circuit explained that “[s]o long as obtaining or providing legal advice was one of the significant purposes of the [communication], the attorney privilege applies, even if there were also other purposes.” *Id.* at 758-59. Thus, even if the Committees were right that each document also served a non-legal purpose—which ActBlue does not concede—a multi-purpose communication is privileged so long as the provision of legal advice was among the significant purposes of the communication—which, as ActBlue has repeatedly explained, is the case here.²

¹ We note that several members of the Committees are themselves members of the bar, subject to rules of professional conduct that require lawyers to safeguard privileged information and guard against its inadvertent disclosure or misuse. Just as the attorney-client privilege does not yield simply because its holder receives a legislative subpoena, *see Trump v. Mazars USA, LLP*, 591 U.S. 848, 863 (2020), there is no reason that those professional obligations should yield simply because a lawyer sits on an oversight committee. It is therefore difficult to square those professional obligations with the June 18, 2026 letter, which presses for the production of plainly privileged materials and brands the lawful withholding as “obstruction.”

² The Committees’ own April 14, 2026 letter acknowledges that ActBlue produced two non-privileged communications relating to Mr. Ting’s departure: a message to ActBlue’s Chief People & Culture Officer informing her of his resignation, and a farewell email to ActBlue’s entire staff. The existence of those communications confirms that the administrative aspects of Mr. Ting’s departure had been communicated

None of this diminishes ActBlue’s willingness to cooperate. Although ActBlue maintains that it properly withheld both documents, it is prepared to accommodate the Committees’ request to the extent it can do so while maintaining the privilege. ActBlue will therefore provide the Committees with redacted versions of Mr. Ting’s resignation letter and Mr. Ahmad’s message—withholding only the privileged legal advice and information they contain—and will make those redacted versions available by June 30, 2026.

* * *

Your June 18 letter also takes issue with what it describes as ActBlue’s “overly broad assertion of privilege” for “documents circulated among non-lawyers containing or reflecting . . . information from an attorney.” But that is not what ActBlue wrote:

As Quoted In The Committees’ Letter	As Actually Written in ActBlue’s Letter
“documents circulated among non-lawyers containing or reflecting . . . information from an attorney”	“documents circulated among non-lawyers containing or reflecting <i>legal advice or</i> information from an attorney”

The Committees’ ellipsis deletes the two words that convey the critical meaning of the sentence. By excising “legal advice or,” the Committees transform a well-established privilege category into the strawman that they then proceed to attack. The Committees incorrectly suggest that ActBlue claims privilege over anything an attorney happened to touch. But ActBlue has never said any such thing. Once read accurately, what the Committees have challenged as overreach is nothing more than a routine application of the attorney-client privilege: legal advice and legal information from an attorney do not lose their protection simply because they are shared with non-lawyers within the organization. *See, e.g., F.T.C. v. GlaxoSmithKline*, 294 F.3d 141, 148 (D.C. Cir. 2002) (finding documents remain privileged when shared with “certain specified employees or contractors with the admonition not to disseminate further its contents and the contents of the documents are related generally to the employees’ corporate duties”); *F.T.C. v. Boehringer Ingelheim Pharms., Inc.*, 180 F. Supp. 3d 1, 34 (D.D.C. 2016) (noting that attorney-client privilege extends to “communications between corporate employees who are working together to compile facts for in-house counsel to use in rendering legal advice to the company”), *aff’d*, 892 F.3d 1264 (D.C. Cir. 2018).

In any event, three additional points underscore the Committees’ misunderstanding. First, the Committees quote ActBlue’s October 27, 2025 letter to mistakenly assert that ActBlue previously “distinguish[ed]” certain communication from “legal advice.” But that letter predates ActBlue’s detailed privilege log by more than six months. And that letter expressly explained that a privilege log was not required. In the spirit of cooperation, it offered *categories* of withheld materials as a courtesy and never represented to be a document-by-document accounting. Second, ActBlue subsequently provided a detailed privilege log on June 5, 2026, which includes a specific basis for withholding each document identified. Faulting the October 2025 category descriptions for not containing the granularity of a document-level

through other channels—reinforcing that the withheld resignation letter served a different or additional purpose, including one involving legal advice.



privilege log is disingenuous, especially when the requested privilege log was produced weeks ago. Third, and relatedly, the Committees' own June 18, 2026 letter acknowledges that ActBlue's privilege log describes its documents as "requesting," "providing," or "reflecting" "legal advice." Having acknowledged that the log identifies legal advice as the basis for each assertion, the Committees cannot now credibly maintain that they are unable to understand how these documents are privileged.

Based on the foregoing, ActBlue is confident that its privilege determinations are sound. But that confidence is not an obstacle to dialogue. If the Committees believe that particular entries on the log reflect an overbroad assertion of privilege, ActBlue is happy to meet with the Committees or their staff to discuss those specific documents and why they are privileged. What ActBlue cannot do, however, is guess which documents the Committees have in mind. The Committees' June 18, 2026 letter challenges a category of documents in the abstract rather than any particular entry. That is inconsistent with the purpose of the privilege log, which was to set forth with specificity the nature of the document and the basis for withholding it. The invitation to confer is not new. ActBlue has extended that invitation in prior correspondence and it remains open to meeting whenever the Committees are available.

* * *

Against that backdrop, ActBlue's cooperation is undeniable. The Committees asked ActBlue to produce documents; ActBlue produced documents—thousands of pages, across seven separate productions. The Committees asked for a privilege log; ActBlue produced one, entry by entry, though it was under no obligation to do so. The Committees asked for a better understanding of two documents; ActBlue has now agreed to provide both those documents in redacted form. And the Committees raised a broader concern about non-attorney communications on the log; ActBlue has offered to sit down and confer on a document-by-document basis. At each step, the Committees' requests have been answered with cooperation, not obstruction—making it past time that the accusation is retired. We therefore respectfully ask that Committees stop falsely portraying ActBlue as obstructionist and instead engage directly with us so that any genuine questions can be addressed through the ordinary meet-and-confer process, rather than through accusatory correspondence.

Sincerely,

/s/ Vincent Cohen

Vincent Cohen
of DECHERT LLP

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