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September 20, 2011

Walter F. Brown, Jr.
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The Honorable Clifford B. Stearns
Chairman, Subcommittee on Oversight and Investigations
U.S. House Committee on Energy and Commerce
2175 Rayburn House Office Building
Washington, DC 20515-6115

The Honorable Diane DeGette
Ranking Minority Member, Subcommittee on Oversight and Investigations
U.S. House Committee on Energy and Commerce
2322A Rayburn House Office Building
Washington, DC 20515-6115

Re: Testimony of Brian Harrison, CEO of Solyndra, before the House Energy & Commerce Committee, Subcommittee on Oversight and Investigations

Dear Chairman Stearns and Ranking Member DeGette:

I write regarding the appearance of Mr. Brian Harrison, the current Chief Executive Officer of Solyndra, who I represent. As you know, Mr. Harrison will appear voluntarily before the House Energy and Commerce Committee's Subcommittee on Oversight and Investigations on Friday, September 23, 2011.

Mr. Harrison has great respect for the work of this Subcommittee and its oversight role. Mr. Harrison looks forward to the day when he can cooperate fully with this Subcommittee's investigation and present the facts known to him.

I have advised Mr. Harrison that he should decline to answer questions put to him by this Subcommittee based on his rights under the Fifth Amendment to the United States Constitution. Therefore, Mr. Harrison intends to invoke his Fifth Amendment rights in response to any questions asked by this Subcommittee and will not provide testimony.

This is not a decision arrived at lightly, but it is a decision dictated by current circumstances. On September 8, 2011, federal agents executed a search warrant at Solyndra's facilities. Moreover, the United States Department of Justice has initiated an investigation into Solyndra. In light of these circumstances, I had no choice but to advise Mr. Harrison to assert his Fifth Amendment rights in response to any questions posed by the Subcommittee. While I have instructed my client not to



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testify at the hearing, it would be a mistake to infer anything from this other than that it is the act of a prudent lawyer who is newly engaged to represent a witness in ongoing government investigations.

Mr. Harrison regrets that these circumstances prevent him from offering full and complete answers to this Subcommittee. He respects the role that this Subcommittee plays in our Constitutional system. I know, however, that this Subcommittee understands the reasons and basis for my advice in the context of an ongoing Department of Justice investigation—even when ultimately it is found that there is no cause for charges.

Mr. Harrison hopes to have the opportunity to offer his views on the events at Solyndra. He cannot do so presently given the current circumstances.

Very truly yours,

A handwritten signature in blue ink, appearing to read "W.F. Brown, Jr." with a stylized flourish at the end.

Walter F. Brown, Jr.

cc: The Hon. Lee Terry
The Hon. John Sullivan
The Hon. Tim Murphy
The Hon. Michael Burgess
The Hon. Marsha Blackburn
The Hon. Sue Myrick
The Hon. Brian Bilbray
The Hon. Phil Gingrey
The Hon. Steve Scalise
The Hon. Cory Gardner
The Hon. Morgan Griffith
The Hon. Joe Barton
The Hon. Fred Upton
The Hon. Jan Schakowsky
The Hon. Mike Ross
The Hon. Kathy Castor
The Hon. Edward J. Markey
The Hon. Gene Green
The Hon. Donna Christensen



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The Hon. John D. Dingell
The Hon. Henry A. Waxman