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Via e-mail: [David.Lachmann@mail.house.gov](mailto:David.Lachmann@mail.house.gov)

David G. Lachmann  
Chief of Staff  
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Civil Rights and Civil Liberties  
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Dear Mr. Lachmann:

This letter responds to the May 10, 2007 letter of Chairman John Conyers, Jr. to my client, Governor Christine Todd Whitman, in which he requests that she testify during a May 22, 2007 hearing on "Substantive Due Process Violations Arising from the Environmental Protection Agency's Handling of Air Quality Issues Following the Terrorist Attacks of September 11, 2001."

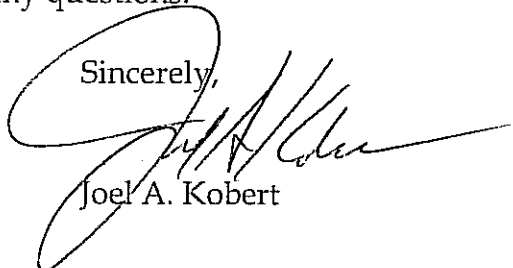
For two reasons, I respectfully ask the Subcommittee to withdraw its request. First, Governor Whitman is a named defendant in two lawsuits involving the subject matter of the hearing. The Second Circuit recently affirmed the dismissal of one of those cases, and another case remains pending in that court. It would be inappropriate for Governor Whitman to testify about a subject involving litigation that is pending against her and other governmental officials. Second, in any event, Governor Whitman is not a lawyer and would be unlikely to assist the Subcommittee on this subject.

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It is for the above reasons I must inform you that Governor Whitman is unavailable for a hearing on May 22, 2007.

Thank you very much for your time and attention to this matter, and please do not hesitate to contact me if you have any questions.

Sincerely,



Joel A. Kobert

JAK/tal

cc: Christine Todd Whitman  
Matthew Shors, Esq.