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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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July 31, 2008

Mr. Fred Fielding, Esq.
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Fielding:

Today the U.S. District Court for the District of Columbia issued a ruling rejecting the administration's claims that White House advisors are immune from testifying in response to congressional subpoenas. The court's decision also reaffirmed the President's burden to provide the specific basis for any executive privilege assertions sufficient to give Congress a means to evaluate those assertions. You have not provided that basis despite my requests to do so for more than a year. For your convenience, I attach a copy of the court's opinion.

White House Chief of Staff Joshua Bolten failed to appear before the Senate Judiciary Committee to testify and produce documents on June 28, 2007, in response to a subpoena I issued two weeks earlier, on June 13, as part of the Committee's investigation into the firing of U.S. Attorneys. It is my understanding that Mr. Bolten's failure to comply was based on a June 28, 2007, letter from you informing the Committee that the President would invoke a blanket claim of executive privilege to refuse to turn over any documents compelled by subpoenas issued by the Judiciary Committees of both houses of Congress.

In addition, your letter of August 1, 2007, was the basis for Karl Rove's failure to appear and testify before the Senate Judiciary Committee last August 2 in response to a subpoena I issued July 26, 2007 as part of the same investigation. That letter cited a memo from the Department of Justice's Office of Legal Counsel to assert that Mr. Rove was "immune from compelled congressional testimony" as an "immediate presidential advisor."

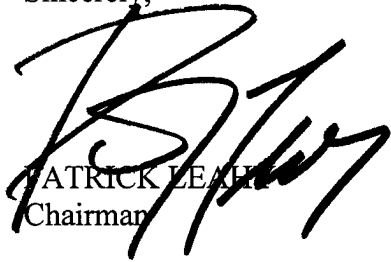
Today's decision renders the grounds for Mr. Bolten and Mr. Rove's refusal to comply with the Committee's subpoenas invalid.

Please advise me by next Thursday, August 7, when Mr. Bolten will comply with the Committee's subpoena by appearing, testifying and producing documents. Please also advise me when you will be rescinding your August 1 letter regarding the subpoena to Mr. Rove.

Mr. Fred Fielding, Esq.
July 31, 2008
Page 2 of 2

I attach for your reference copies of my ruling of November 29, 2007, that the White House's executive privilege and immunity claims are not legally valid to excuse Mr. Bolten and Mr. Rove from testifying and producing documents, and the Committee's bipartisan resolution of December 13, 2007, finding Mr. Bolten and Mr. Rove in criminal contempt of Congress.

Sincerely,


PATRICK LEAHY
Chairman *all the best*

cc: The Honorable Arlen Specter

Enclosures