

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
One Hundred Tenth Congress

March 22, 2007

Mr. Fred F. Fielding
Counsel to the President
Office of Counsel to the President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Fielding:

We are writing in response to your March 20 letter concerning our request for information relating to our investigation of the U.S. Attorney controversy. While we share the Administration's interest that the American people "hear the truth" concerning these matters, we cannot accept your proposal for a number of reasons, and would sincerely hope that your office will work with us to find a reasonable accommodation of the interests of both branches of government.

We write this because your proposal will not facilitate a full and fair inquiry. We believe the failure to permit any transcript of our interviews with White House officials is an invitation to confusion and will not permit us to obtain a straightforward and clear record. Also, limiting the questioning (and document production) to discussions by and between outside parties will further prevent our Members from learning the full picture concerning the reasons for the firings and related issues. As we are sure you are aware, limitations of this nature are completely unsupported by precedents applied prior Administrations – both Democratic and Republican.

We would not be pursuing this matter absent the evidence of misconduct, misstatements and potential criminal wrongdoing that has already come to light. Among other things, the Department of Justice itself has acknowledged that its officials have misled Congress, with the Chief of Staff to the Attorney General resigning over his role in the matter. In addition, several U.S. Attorneys have testified that the firings may have been tied to improper contacts and threats. Evidence has also emerged that improper criteria may have been used not just for firing U.S. Attorneys, but also with decisions to retain them. Although there have been numerous and conflicting accounts concerning the process, there now appears to be little doubt that senior officials in the White House were involved in the firing plan, both in conception and implementation. Also, notwithstanding your characterization of the Department of Justice's provision of documentation and witnesses, the Department of Justice has failed to turn over a significant amount of critical information, and has not yet reached accord with us regarding witness interviews. Given these facts, it would be irresponsible if our Committee were to accept

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the limitations proposed in your letter, which would severely impede our ability to get to the truth on behalf of the American people.

We have approached this matter with a high degree of caution and seriousness. This is why we initiated the matter with a non-compulsory request for documents on March 9. We accepted your request to meet on March 13, and, again, at your request, deferred taking any further action, based on the expectation that documents would be made available to us and an appropriate arrangement for questioning White House officials agreed to by the March 16 deadline you suggested. Although we did not hear from you on that date, we again accepted your request to defer action until we could meet, at your further request, on March 20. At that time we received your official proposal that would impose unprecedented restrictions on our access to relevant officials and materials. In order to protect our prerogatives, the Commercial and Administrative Law Subcommittee of the Judiciary Committee authorized Chairman Conyers to issue subpoenas with regard to these matters; but even then, Mr. Conyers indicated that he would not issue the subpoenas pending further efforts to reach accommodation with the White House.


It is in that spirit that we remain committed to seeking a cooperative resolution to this matter on a voluntary basis, consistent with the oversight responsibilities of the House and the Senate. We would be pleased to discuss further proposals from you to achieve these objectives that provide us with the records and information we need to complete our investigation while respecting your needs and interests. In the meantime, we also ask that you ensure the preservation of relevant White House documents, as defined in our March 9 letter.

We would ask that you contact the House Committee on the Judiciary office at your very earliest convenience so that we may resolve this matter. If you are willing to work in good faith, we can assure you that we are as well.

Sincerely,



John Conyers, Jr.
Chairman



Linda T. Sanchez
Chairwoman, Subcommittee on Commercial
and Administrative Law

cc: Hon. Lamar S. Smith
Hon. Christopher B. Cannon