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ONE HUNDRED TENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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May 21, 2007

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

Dear Mr. Fielding:

We are today writing to express our extreme disappointment in the White House's rebuff of efforts by the Judiciary Committee to obtain voluntary cooperation with our investigation concerning the firing of at least nine U.S. Attorneys in 2006 and related matters. We write to make one last appeal for such voluntary cooperation.

As you know, we first wrote to you on March 9, 2007, in an effort to obtain your voluntary cooperation with our investigation. On March 21, 2007, the Judiciary Committee's Subcommittee on Commercial and Administrative Law voted to authorize the issuance of subpoenas for the testimony of former White House Counsel Harriet Miers, Deputy Chief of Staff and Senior Advisor to the President Karl Rove and Special Assistant to the President J. Scott Jennings and for documents in the custody or control of Deputy White House Counsel William Kelley, White House Chief of Staff Joshua Bolton, Ms. Miers, Mr. Rove, Mr. Jennings and yourself. Pursuant to letters dated March 22, 2007, both Chairman Leahy and Chairman Conyers have rejected your offer of limited interviews with White House officials, to be conducted without a transcript and without the possibility of subsequent public testimony. Since that time, we have been willing and able to meet to consider other means of resolving our dispute, but we have received no response to our letters or proposals to you.

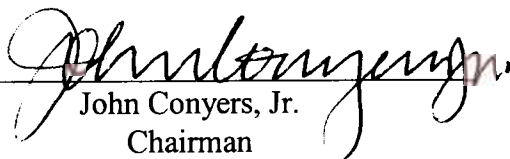
Even without a single document or witness interview provided by the White House, it is clear that the White House played an important role in the events concerning the U.S. Attorney controversy. In addition to the facts recited in Senator Leahy's letter of May 16, 2007, for example, we would note that Karl Rove has stated to White House officials that he relayed complaints about former U.S. Attorney David Iglesias to both the White House Counsel's Office

Mr. Fred F. Fielding, Esq.
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and the Justice Department.¹ Testimony from a Department official has revealed that Mr. Rove was specifically enlisted by several prominent New Mexico Republicans in their efforts to have Mr. Iglesias fired. Mr. Iglesias' name first appeared on the firing list just last November (see enclosed), but no one at the Department seems to recall who specifically suggested he be fired or why. In the context, it is becoming increasingly clear that we will not be able to complete our investigation absent full and complete cooperation from the White House.

We continue to be willing, as discussed in earlier letters and meetings with you, to work out a voluntary resolution of our requests for information from the White House. As previously explained, however, it would be constitutionally irresponsible to accept your "all or nothing" limitations that would completely preclude any access to on-the-record statements by current and former White House personnel or access to internal White House communications. If the White House persists in refusing to provide information to the House Judiciary Committee, or even to discuss providing such information, on a voluntary basis, we will have no alternative but to begin to resort to compulsory process in order to carry out our oversight responsibilities.

Sincerely,



John Conyers, Jr.
Chairman



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

Enclosure

cc: Hon. Lamar S. Smith
Hon. Chris Cannon

¹Ron Hutcheson, Marisa Taylor & Margaret Talev, *White House says Rove relayed complaints about prosecutors*, MCCLATCHY NEWSPAPERS, Mar. 11, 2007.

McNulty, Paul J

From: Elston, Michael (ODAG)
Sent: Tuesday, November 07, 2006 6:24 PM
To: McNulty, Paul J
Subject: Fw: U.S. Attorney Replacement Plan

Importance: High

Attachments: USA replacement plan.doc

-----Original Message-----

From: Sampson, Kyle
To: Elston, Michael (ODAG)
Sent: Tue Nov 07 18:21:01 2006
Subject: U.S. Attorney Replacement Plan

Please review and provide comments ASAP. I'd like to get this to Harriet tonight, if possible. I've pasted it into the e-mail for your convenience.

PLAN FOR REPLACING CERTAIN
UNITED STATES ATTORNEYS

November 7, 2006

STEP 1

U.S. Attorney calls: On or about November 8-10, Mike Battle contacts the following U.S. Attorneys:

- * Paul Charlton (D. Ariz.)
- * Carol Lam (S.D. Cal.)
- *
- *
- * Margaret Chiara (W.D. Mich.)
- * Dan Bogden (D. Nev.)
- *
- * John McKay (W.D. Wash.)
- * David Iglesias (D.N.M.)

Battle informs the U.S. Attorneys as follows:

- * What are your plans with regard to continued service as U.S. Attorney?
- * The Administration is grateful for your service as U.S. Attorney, but has determined to give someone else the opportunity to serve as U.S. Attorney in your district for the final two years of the Administration.
- * We will work with you to make sure that there is a smooth transition, but intend to have a new Acting or Interim U.S. Attorney in place by January 1st.

STEP 2

Senator calls: On or about November 8-10 (very important that Senator calls and U.S. Attorney calls happen simultaneously), Bill Kelley or appropriate Associate Counsel contacts the following Senators:

- * Jon Kyl (re Charlton)
- *
- *
- *
- * John Ensign (re Bogden)

*
* Pete Domenici (re Iglesias)

Kelley informs the Senators as follows:

* The Administration has determined to give someone else the opportunity to serve as U.S. Attorney in [relevant district] for the final two years of the Administration. [If pushed, this determination is based on a thorough review of the U.S. Attorney's performance.]

* [Relevant U.S. Attorney] has been informed of this determination and knows that we intend to have a new Acting or Interim U.S. Attorney in place by the end of the year.

* We will look to you, Senator, to recommend candidates that we should consider for appointment as the new U.S. Attorney. As always, we ask that you recommend at least three candidates for the President's consideration.

STEP 3

Evaluation and Selection of "Interim" Candidates: During November-December 2006, the Department of Justice, in consultation with the Office of the Counsel to the President, evaluates and selects candidates for Attorney General-appointment (or candidates who may become Acting U.S. Attorney by operation of law) to serve upon the resignation of above-listed U.S. Attorneys.

STEP 4

Selection, Nomination, and Appointment of New U.S. Attorneys: Beginning as soon as possible in November 2006, Office of the Counsel to the President and Department of Justice carry out (albeit on an expedited basis) the regular U.S. Attorney appointment process: obtain recommendations from Senators, other state political leadership, and other sources; evaluate candidates; make recommendations to the President; conduct background investigations; have President make nominations and work to secure confi



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mations of U.S. Attorney nominees.

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