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ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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<http://www.house.gov/judiciary>

April 11, 2008

### By Fax and U.S. Mail

The Honorable John D. Ashcroft  
The Ashcroft Group, LLC  
1399 New York Avenue, NW  
Suite 950  
Washington, DC 20005

Dear Mr. Ashcroft:

Thank you for appearing recently before the Subcommittee on Commercial and Administrative Law to testify concerning deferred prosecution agreements. I write to invite you to testify before the Committee on the Judiciary at a May 6, 2008, hearing on a different subject: issues regarding the nature and scope of Presidential power in time of war and the current Administration's approach to these questions under U.S. and international law. Among the subjects likely to be explored at the hearing are United States policies regarding interrogation of persons in the custody of the nation's intelligence services and armed forces, matters addressed in some detail in opinions that emerged from the Department of Justice during your service as Attorney General. Given your personal knowledge of key historical facts, your testimony would be invaluable to the Committee on these subjects.<sup>1</sup>

For example, press reports indicate that neither you nor your deputy were aware of the sweeping interrogation memorandum issued by the Department's Office of Legal Counsel on March 14, 2003.<sup>2</sup> That a subordinate aide would make such significant judgments on behalf of the Department during your tenure and reportedly without your knowledge or approval is

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<sup>1</sup>Greenburg, Rosenberg, and de Vogue, *Sources: Top Bush Advisors Approved 'Enhanced Interrogation'*, ABC News, Apr. 9, 2008.

<sup>2</sup>Eggen and White, *Administration Asserted a Terror Exception on Search and Seizure*, Washington Post, Apr. 4, 2008.

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disturbing. Other recent reports suggest concern on your part about the nature and degree of White House involvement in specific interrogation decisions.<sup>3</sup>

In consideration of the abiding interest of all Americans in these matters, and the unique information and perspective that you bring to the issues, I hope you will agree to testify without need for compulsory process. Given that you have previously testified on these very subjects, for example telling the Senate Judiciary Committee in June 2004 that "[t]here is no presidential order immunizing torture,"<sup>4</sup> it would seem especially appropriate for you to share your views with a key investigating Committee of Congress. If the date of May 6 poses a particular scheduling problem, please contact my staff as described below and we will be happy to discuss reasonable alternatives.

Thank you for your careful consideration of this invitation. So that we may plan accordingly, please contact Committee staff at (202) 225-3951 as soon as possible and no later than the close of business on Monday, April 21, 2008, to discuss the details of your appearance. Any further responses and questions should similarly be directed to the Judiciary Committee office, 2138 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-3951, fax: 202-225-7680).

Sincerely,



John Conyers, Jr.  
Chairman

cc: Hon. Lamar S. Smith  
Hon. Jerrold Nadler  
Hon. Trent Franks  
Hon. Brian A. Benczkowski

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<sup>3</sup>Greenburg, Rosenberg, and de Vogue, *Sources: Top Bush Advisors Approved 'Enhanced Interrogation'*, ABC News, Apr. 9, 2008.

<sup>4</sup>Schmidt, *Ashcroft Refuses to Release '02 Memo*, June 9, 2004.