



OFFICE OF COUNSEL TO THE PRESIDENT

FACSIMILE TRANSMITTAL SHEET

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THE WHITE HOUSE
WASHINGTON

June 7, 2007

Dear Chairman Leahy, Chairman Conyers and Chairwoman Sánchez:

I write in response to your letters of May 16 and May 21, 2007, regarding your Committees' inquiries into the resignation of certain United States Attorneys. We share the Committees' goal of finding a way of making available additional information on the subject to you, and we are sure we share a desire to accomplish that goal in a manner that avoids a constitutional confrontation. In particular, I express the hope that together we can avoid the prospect of "subpoenas" and "compulsory process" referred to in your recent letters and statement.

Let me begin by noting that your Committees and the White House have made efforts to resolve our differences on this issue in a mutually acceptable fashion. I met with members of your respective committees on March 20, 2007, and since that date members of my staff have met separately with counsel for both Committees in an effort to address issues relating to the U.S. Attorneys matter. Moreover, although the May 21 letter from Chairman Conyers and Chairwoman Sanchez states that since March 22, 2007, the Committees have received "no response to [its] letters or proposals" to the White House, you may recall that on April 12, I wrote to Chairmen Leahy and Conyers expressing the President's continued commitment to ensure that Congress receives information relating to this matter without sacrificing the prerogatives of this Office, and urging careful consideration of his proposal.

To put the state of our differences in current context, it should be pointed out that your Committees have already had broad access to a very substantial body of information relating to the U.S. Attorneys issue. Chairman Leahy's letter describes "evidence gathered ... in five hearings [and] eight interviews with current and former officials from the Department of Justice," and his letter refers to "a review of documents produced by the Department" of Justice relating to its communications with the White House on the U.S. Attorneys issue. We understand that the Department has produced more than 7000 pages of documents relating to the U.S. Attorneys matter, including a significant number of communications between the White House and the Department on the subject of U.S. Attorneys.

Throughout the foregoing, substantial efforts made by the Department, which (as mentioned above) have included disclosure of written communications from the White House to the Department of Justice on this very subject without White House objection, we are not aware that any witness or document has provided any evidence supportive of the notion that any U.S. Attorney was asked to resign in order to interfere with a pending or future criminal investigation or for any other improper reason. Thus, we think that the Committees' suggested next steps in this matter must be fairly assessed against the backdrop of the extraordinary access acquired to date and the absence of any evidence of wrongdoing by White House officials.

After initial discussions and in our oral and written communications to date, the President has proposed an accommodation that would provide the Committees with still more information on the U.S. Attorneys matter, and in a manner that is respectful both of the Committees' needs and Presidential prerogatives. The offer would enable the Committees to inquire into all U.S. Attorney resignation-related communications between, on the one hand, the President's former Counsel, current Deputy Chief of Staff and Senior Advisor, Deputy Counsel, and Deputy and Special Assistants in the Office of Political Affairs and, on the other, Department of Justice Officials and any other persons outside the White House. The Committee could conduct these interviews with the benefit of the information learned from DOJ witnesses and documents, and with the additional benefit of all White House documents reflecting communications between the White House and the Department of Justice concerning the U.S. Attorney resignations and communications between the White House and third parties on that same subject. It is difficult to see how this proposal will not provide your Committees with all information necessary to evaluate the White House's connection to the Department's request for U.S. Attorney resignations, which could completely inform any legislative proposals to be put forward by your Committees.

We are not unmindful that the President's proposal does not comport fully with your Committees' original requests. We do believe that in situations as this one, each branch has an obligation to seek accommodation of the other's interests and we do believe the President's proposal must be fairly regarded as a genuine and substantial accommodation, a true middle ground that can provide the Committees all necessary information without undue incursion into Executive prerogatives. In view of all that your Committees have learned in its inquiries to the Department of Justice and its employees, it is our strong hope that the Committees will not feel compelled to elevate the stakes by pursuing the path of subpoenas and compulsory process referred to in your recent letters, which will only prolong this debate, but instead come to agreement with us on a way to go forward.

Sincerely,



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