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2138 RAYBURN HOUSE OFFICE BUILDING

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October 16, 2007

BY FAX AND U.S. MAIL

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

Dear Mr. Fielding:

I am writing to express my concern and disappointment that the White House has determined to withhold from the House information that is apparently being provided to the Senate Intelligence Committee concerning Administration warrantless surveillance activities. Committee staff learned from your staff this afternoon that at least some documents constituting Presidential authorizations of and legal memoranda justifying warrantless surveillance and the Terrorist Surveillance Program are being provided to the Senate Intelligence Committee, but are not being provided to anyone else in Congress.

Although even these materials are far short of the information that Congress has requested for more than a year on this crucial subject, we are extremely disappointed that the available information is being withheld from the House. As Majority Leader Hoyer has made clear, the House cannot even begin to consider the Administration's request for retroactive immunity for telecommunications companies without understanding just what those companies and the government did to intercept Americans' communications and conversations without a warrant, and the legal basis for any such activities.

Pursuant to Mr. Flood's October 5 memorandum, we understand that we will hear from your office on or around October 22 about possible arrangements to make available the materials that both the House and the Senate have requested. Again, however, we are disappointed that none of the requested information will be provided until after than date.

Responses and questions should be directed to the Judiciary Committee office, 2138 Rayburn House Office Building, Washington, D.C. 20515 (tel.: 202-225-3951; fax: 202-225-7680).

Sincerely,

John Conyers, Jr.
Chairman

cc: Hon. Lamar S. Smith