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ONE HUNDRED TENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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July 25, 2007

BY FAX AND U.S. MAIL

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

Dear Mr. Fielding:

I am enclosing with this letter a copy of the report and resolution approved by the House Judiciary Committee today recommending that the House of Representatives cite Joshua Bolten and Harriet Miers for contempt of Congress for refusing to comply with the subpoenas issued to them on June 13. As I explained before the Committee's vote, I regret that the Committee has had to take this step, and continue to hope that we can resolve with you the Committee's need for information from the White House in our investigation. Indeed, as the Congressional Research Service noted in a recent report, in each of the eight cases in which House Committees alone have found executive branch officials in contempt for refusing to comply with subpoenas based on executive privilege since 1975, there was "full or substantial compliance with the demands of the committee" after the vote.

Many possible paths are available to reach an agreement in this matter. Senator Leahy and I previously suggested that we begin by the White House providing copies of documents reflecting communications outside the White House, which was part of your offer in March. With respect to the Department of Justice, we and the Senate Judiciary Committee have conducted some 12 on-the-record interviews, and have subsequently called only one of those interviewees to testify before a Committee. Just recently, in an attempt to resolve executive branch confidentiality concerns about documents relating to the tragic death of Corporal Patrick Tillman, the White House made available over 400 pages of documents for staff review to assess relevancy and to narrow differences between the White House and the House Committee on Oversight and Government Reform.

As we have repeatedly explained, we stand ready to discuss these and all other possible constructive paths to resolve our need for information from the White House in the U.S. Attorneys matter. But make no mistake: If the White House continues to refuse to engage in any discussions beyond repeating its unacceptable "take it or leave it" offer, and if Mr. Bolten and Ms. Miers continue to refuse to comply altogether with our subpoenas, we will have no choice but to enforce those subpoenas by all appropriate legal means. In our system of government, no one is above the law.

Sincerely,

John Conyers, Jr.
Chairman

Enclosure

cc: The Honorable Lamar S. Smith
The Honorable Linda T. Sánchez
The Honorable Chris Cannon

110th CONGRESS | REPORT
1st Session } HOUSE OF REPRESENTATIVES { 110-XXX

RESOLUTION RECOMMENDING THAT THE HOUSE OF REPRESENTATIVES FIND HARRIET MIERS AND JOSHUA BOLTEN, CHIEF OF STAFF, WHITE HOUSE, IN CONTEMPT OF CONGRESS FOR REFUSAL TO COMPLY WITH SUBPOENAS DULY ISSUED BY THE COMMITTEE ON THE JUDICIARY

July XX, 2007—Referred to the House Calendar and ordered to be printed

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Mr. Conyers, from the Committee on the Judiciary submitted the following

REPORT

together with

ADDITIONAL VIEWS

The Committee on the Judiciary, having considered this Report, reports favorably thereon and recommends that the Report be approved.

The form of Resolution that the Committee on the Judiciary would recommend to the House of Representatives for citing former White House Counsel Harriet Miers and White House Chief of Staff Joshua Bolten for contempt of Congress pursuant to this Report is as follows:

Resolved, That pursuant to 2 U.S.C. §§192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of former White House Counsel Harriet Miers to appear before the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Ms. Miers be proceeded against in the manner and form provided by law; and be it further

Resolved, That pursuant to 2 U.S.C. §§192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of former White House Counsel Harriet Miers to testify before the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Ms. Miers be proceeded against in the manner and form provided by law; and be it further

Resolved, That pursuant to 2 U.S.C. §§192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of former White House Counsel Harriet Miers to produce documents to the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Ms. Miers be proceeded against in the manner and form provided by law; and be it further

Resolved, That pursuant to 2 U.S.C. §§ 192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of White House Chief of Staff Joshua Bolten to produce documents to the Committee on the Judiciary as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Bolten be proceeded against in the manner and form provided by law.

BACKGROUND AND EXPLANATION

I. Background of Committee Investigation and Requests for Information from the White House and Harriet Miers

A. House Judiciary Committee Hearings

Beginning in March 2007, the House Judiciary Committee and its Subcommittee on Commercial and Administrative Law have held a number of hearings on the U.S. Attorney terminations and related issues. These have included:

U.S. Attorneys & William Moschella. On March 6, 2007, six of the terminated U.S. Attorneys[1] and William E. Moschella, Principal Associate Deputy Attorney General, U.S. Department of Justice, among others, testified before the Subcommittee.[2] At this hearing (and in private briefings on February 28 and March 5 to Subcommittee members and staff that preceded it), Mr. Moschella testified, inter alia, as to the Justice Department's then-claimed reasons for firing these U.S. Attorneys. The terminated U.S. Attorneys testified, inter alia, that they had not been given reasons for their firing and, among other matters, responded to some of the Department's asserted reasons for their firing, and discussed political and other factors that may have been related to their firing.

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[1] *H.R. 580, Restoring Checks and Balances in the Confirmation Process of U.S. Attorneys: Hearing Before the Subcomm. on Commercial and Admin. Law of the H. Comm. on the Judiciary,* 110th Cong. (2007) (prepared statement of Carol C. Lam *et al.*). The six former U.S. Attorneys who testified were Ms. Lam, Mr. Iglesias, Mr. Cummins, Mr. McKay, Mr. Bogden and Mr. Charlton.

[2] The other witnesses included the following: Representative Darrell Issa (R-CA); former Representative Asa Hutchinson (R-AR); John A. Smietanka, a former United States Attorney for the Western District of Michigan; George Terwilliger, former Deputy Attorney General of the U.S. Department of Justice; T.J. Halstead, Legislative Attorney, American Law Division, Congressional Research Service; and Atlee W. Wampler, III, President of the National Association of Former United States Attorneys.

Ensuring Executive Branch Accountability. On March 29, 2007, the Subcommittee heard testimony about the validity of White House assertions concerning executive privilege in the U.S. Attorney controversy.[3] Beth Nolan, former White House Counsel under President Clinton, indicated that she testified four times before congressional Committees on matters directly related to her White House duties, including three times while she was serving in that position.[4]

James Comey. On May 3, 2007, former Deputy Attorney General James Comey testified before the Subcommittee.[5]

Alberto Gonzales. On May 10, 2007, Attorney General Gonzales appeared before the full Judiciary Committee for an oversight hearing that focused on the U.S. Attorneys controversy.[6]

Monica Goodling. After a grant of limited use immunity, Monica Goodling, former Senior Counsel to Attorney General Alberto Gonzales and the Department's White House Liaison, appeared before the full Committee on May 23, 2007.[7]

Paul McNulty. On June 21, 2007, Deputy Attorney General Paul McNulty testified before the Subcommittee.[8]

Harriet Miers. Former White House Counsel Harriet Miers refused to comply with a subpoena requiring her appearance before the Subcommittee on July 12, 2007.[9] Ms. Miers not

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[3] *Ensuring Executive Branch Accountability: Hearing Before the Subcomm. on Commercial and Admin. Law of the H. Comm. on the Judiciary,* 110th Cong. (2007). The witnesses at the hearing included John Podesta, former White House Chief of Staff to President Bill Clinton; Beth Nolan, former White House Counsel to President Bill Clinton; Frederick A.O. Schwarz, Jr., Senior Counsel, Brennan Center for Justice; and Noel J. Francisco, former Associate Counsel to President George W. Bush.

[4] Id. (testimony of Beth Nolan, former White House Counsel to President Bill Clinton).

[5] *The Continuing Investigation into the U.S. Attorneys Controversy: Hearing Before the Subcomm. on Commercial and Admin. Law of the H. Comm. on the Judiciary,* 110th Cong. (2007) (testimony of James Comey, former Deputy Attorney General).

[6] *Oversight Hearing on the United States Department of Justice: Before the H. Comm. on the Judiciary,* 110th Cong. (2007) (testimony of Attorney General Alberto Gonzales).

[7] *The Continuing Investigation into the U.S. Attorneys Controversy and Related Matters: Hearing Before the H. Comm. on the Judiciary,* 110th Cong. (2007) (testimony of Monica Goodling, former Senior Counsel to Attorney General Alberto Gonzales and White House Liaison, U.S. Department of Justice).

[8] *The Continuing Investigation into the U.S. Attorneys Controversy and Related Matters: Hearing Before the Subcomm. on Commercial and Admin. Law of the H. Comm. on the Judiciary,* 110th Cong. (2007) (testimony of Paul McNulty, Deputy Attorney General).

[9] *The Continuing Investigation into the U.S. Attorneys Controversy and Related Matters: Hearing Before the Subcomm. on Commercial and Admin. Law of the H. Comm. on the Judiciary,* 110th Cong. (2007).

only failed to provide testimony or documents, but she also failed even to appear for the hearing. Subcommittee Chair Sánchez proceeded to overrule Ms. Miers' claims of immunity and privilege and her ruling was sustained by Subcommittee members in a recorded vote of 7-5.[10]

B. Justice Department Documents and Staff Interviews

On March 8, 2007, Chairman Conyers and Subcomittee Chair Sánchez wrote to the Attorney General requesting documents and interviews with Department of Justice personnel concerning the U.S. Attorney matter.[11] Pursuant to that request, the Committee has received and reviewed thousands of pages of Justice Department documents. Many documents were initially produced only in redacted form, with Committee staff being granted a limited right to review the unredacted documents on Department premises. Additional Committee efforts to obtain additional documents voluntarily, including letters of March 22, March 28, and April 2, 2007, were not successful.[12] On April 10, 2007, the Committee issued a subpoena to the Department for full production of all relevant documents in unredacted form. Negotiations to secure full compliance with the subpoena are continuing. A large number of additional documents have been produced as a result, and Committee staff expect a limited number of additional documents to be produced by the Department.

In addition to the initial Committee requests, Chairman Conyers, Subcommittee Chair Sánchez, Representative Zoe Lofgren, and Representative Keith Ellison have sent further requests for information pertinent to the U.S. Attorney controversies in Missouri[13] and Minnesota[14]. On July 17, 2007, Chairman Conyers, Subcommittee Chair Sánchez, Representative Artur Davis, and Representative Tammy Baldwin requested documents and

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[10] Id.

[11] Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Linda Sánchez, Chair, Subcomm. on Commercial and Admin. Law, to Alberto Gonzales, Att'y Gen. of the United States (Mar. 8, 2007) (on file with the H. Comm. on the Judiciary).

[12] Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Linda Sánchez, Chair, Subcomm. on Commercial and Admin. Law, to Alberto Gonzales, Att'y Gen. of the United States (Mar. 22, 2007) (on file with the H. Comm. on the Judiciary); Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Linda Sánchez, Chair, Subcomm. on Commercial and Admin. Law, to Alberto Gonzales, Att'y Gen. of the United States (Mar. 28, 2007) (on file with the H. Comm. on the Judiciary); and Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, to Richard Hertling, Acting Assitant Att'y Gen., Office of Legislative Affairs, U.S. Department of Justice (Apr. 2, 2007) (on file with the H. Comm. on the Judiciary).

[13] Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, Linda Sánchez, Chair, Subcommittee on Commercial and Admin. Law, and Zoe Lofgren, Chair, Subcomm. on Immigration, Citizenship, Refugees, Border Security, and International Law, to Alberto Gonzales, Att'y Gen. of the United States (May 15, 2007) (on file with the H. Comm. on the Judiciary).

[14] Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Keith Ellison, Member, H. Comm. on the Judiciary, to Alberto Gonzales, Att'y Gen. of the United States (May 8, 2007) (on file with the H. Comm. on the Judiciary).

information about several prominent prosecutions and convictions of Democratic officials or operatives in various parts of the country, in light of extensive allegations of selective, politically influenced prosecutions.[15] In addition, Majority and Minority staff from both the House and Senate Judiciary Committees have so far jointly conducted on-the-record interviews of twelve current and former Department of Justice officials.[16]

C. Requests for Information from the White House and Subpoenas Issued to Joshua Bolten and Harriet Miers

On March 21, 2007, the Subcommittee on Commercial and Administrative Law authorized Chairman Conyers to issue subpoenas to J. Scott Jennings, Special Assistant to the President, Office of Political Affairs; William Kelley, Deputy White House Counsel; Harriet Miers, former White House Counsel; Karl Rove, Deputy Chief of Staff and Senior Advisor to the President; Joshua Bolten, White House Chief of Staff; and Fred Fielding, White House Counsel, to obtain testimony and documents.[17] Both before and after March 21, letters were exchanged between the Committee and the White House to seek to resolve voluntarily the Committee's requests for information from the White House, but those efforts were not successful. Committee letters (some of which were sent by Chairman Conyers and Senate Judiciary Committee Chairman Leahy) included letters of March 9, March 22, March 28, and May 21, 2007.[18]

On June 13, 2007, Chairman Conyers and Senate Judiciary Committee Chairman Patrick Leahy issued subpoenas to Joshua Bolten, White House Chief of Staff, or appropriate custodian,

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[15] Letter from John Conyers, Jr., Chair, H. Comm. on the Judiciary, Linda Sánchez, Chair, Subcomm. on Commercial and Admin. Law, Artur Davis, Member, Comm. on the Judiciary, and Tammy Baldwin, Member, Comm. on the Judiciary, to Alberto Gonzales, Att'y Gen. of the United States (July 17, 2007) (on file with the H. Comm. on the Judiciary).

[16] The Committee is also seeking to obtain documents from the Republican National Committee in this matter, consisting of e-mails on RNC servers sent by White House officials using RNC e-mail accounts, pursuant to a request on April 12, 2007, and a subpoena issued on July 13, 2007. See Memorandum from Subcomittee Chair Sánchez to Members of Subcomm. on Commercial and Admin. Law Re. Meeting to Consider the Issuing of a Subpoena to the Republican National Committee (July 11, 2007) (on file with the H. Comm. on the Judiciary).

[17] *Meeting to Consider Subpoena Authorization Concerning the Recent Termination of United States Attorneys and Related Subjects Before the Subcomm. on Commercial and Admin. Law of the H. Comm. on the Judiciary,* 110th Cong. (2007). In addition, the Subcommittee authorized Chairman Conyers to issue a subpoena for D. Kyle Sampson, former Chief of Staff to the Attorney General. Mr. Sampson has thus far voluntarily cooperated with the Committee's investigation.

[18] Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Linda Sánchez, Chair, Subcomm. on Commercial and Admin. Law, to Fred Fielding, Counsel to the President (Mar. 9, 2007); Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Linda Sánchez, Chair, Subcomm. on Commercial and Admin. Law, to Fred Fielding, Counsel to the President (Mar. 22, 2007); Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Patrick Leahy, Chairman, S. Comm. on the Judiciary, to Fred Fielding, Counsel to the President (Mar. 28, 2007); and Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Linda Sánchez, Chair, Subcomm. on Commercial and Admin. Law, to Fred Fielding, Counsel to the President (May 21, 2007). All of these letters are on file with the House Committee on the Judiciary.

for relevant White House documents. The subpoenas were returnable on June 28, 2007. On June 13, the Chairmen also issued subpoenas to two former White House staffers: White House Counsel Harriet Miers was subpoenaed by Chairman Conyers for testimony and to produce documents before the Subcommittee on July 12, 2007, and White House Political Director Sara Taylor was subpoenaed by Chairman Leahy for testimony and to produce documents before the Senate Judiciary Committee on July 11, 2007.

On June 28, 2007, White House Counsel Fred Fielding wrote that the White House would refuse to produce any documents pursuant to the subpoena issued to Mr. Bolten based on executive privilege.[19] Chairman Conyers and Chairman Leahy requested that the White House provide a privilege log to set forth the factual and legal basis for any claims of privilege as to each document being withheld, as well as a signed statement by the President asserting any privilege by July 9, 2007.[20] In a letter dated July 9, 2007, Mr. Fielding declined.[21]

On July 9, Ms. Miers' counsel wrote to Chairman Conyers and Ranking Minority Member Smith stating that pursuant to letters received from Mr. Fielding, Ms. Miers intended not to produce any documents in her possession and not to provide testimony, as Mr. Fielding stated, concerning "White House consideration, deliberations, or communications, whether internal or external, relating to the possible dismissal or appointment of United States Attorneys."[22] Chairman Conyers and Subcomittee Chair Sánchez wrote letters to counsel for Harriet Miers reiterating their understanding that Ms. Miers was required to appear before the Subcommittee as provided in the subpoena. On July 10, Ms. Miers' counsel wrote that pursuant to another letter from Mr. Fielding, Ms. Miers would not appear at the hearing at all, based on a claim of absolute immunity raised by Mr. Fielding.[23] In fact, she failed to appear, notwithstanding a July 11 letter from Chairman Conyers and Subcommittee Chair Sánchez

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[19] Letter from Fred Fielding, Counsel to the President, to John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Patrick Leahy, Chairman, S. Comm. on the Judiciary (June 28, 2007) (on file with the H. Comm. on the Judiciary).

[20] Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Patrick Leahy, Chairman, S. Comm. on the Judiciary, to Fred Fielding, Counsel to the President (June 29, 2007) (on file with the H. Comm. on the Judiciary).

[21] Letter from Fred Fielding, Counsel to the President, to John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Patrick Leahy, Chairman, S. Comm. on the Judiciary (July 9, 2007) (on file with the H. Comm. on the Judiciary).

[22] Letter from Fred Fielding, Counsel to the President, to George Manning, Attorney for Harriet Miers (July 9, 2007), quoted in and enclosed with Letter from George Manning to John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Lamar Smith, Ranking Member, H. Comm. on the Judiciary (July 9, 2007) (on file with the H. Comm. on the Judiciary). Mr. Manning' s July 9 letter also enclosed a June 28 letter from Mr. Fielding indicating that documents in Ms. Miers' possession should not be produced.

[23] Letter from George Manning, Attorney for Harriet Miers, to John Conyers, Jr., Chairman, H. Comm. on the Judiciary and Linda Sánchez, Chair, Subcomm. on Commercial and Admin. Law (July 10, 2007) (on file with the H. Comm. on the Judiciary).

urging that she appear, explaining that specific assertions of privilege would be considered at the hearing, and warning of the possibility of contempt,[24] and despite the fact that Sara Taylor had appeared before the Senate Judiciary Committee in compliance with her subpoena the day before.

On July 12, the Subcommittee met as scheduled. At that meeting, when Ms. Miers failed to appear, Subcommittee Chair Sánchez issued a ruling that rejected Ms. Miers' privilege and immunity claims, and the Subcommittee, by a vote of 7 to 5, sustained that ruling.[25] The ruling specifically covered Ms. Miers' refusal to appear at all (as now reflected in the first count of the Resolution), her refusal to testify (as now reflected in the second count of the Resolution), and her refusal to produce documents (as now reflected in the third count of the Resolution), as required by the subpoena issued to her. Chairman Conyers and Subcommittee Chair Sánchez sent Ms. Miers' counsel a letter enclosing a copy of the ruling, and again urging compliance and warning of the possibility of contempt.[26] On July 17, 2007, Ms. Miers' counsel reiterated his client's refusal to comply.[27]

On July 17, 2007, Chairman Conyers and Subcommittee Chair Sánchez wrote to Mr. Fielding, notified him that the Subcommittee would formally consider the White House's privilege claims with regard to White House documents at a July 19, 2007 meeting, and again urged compliance with the June 13 subpoena.[28] Notwithstanding that letter, Mr. Bolten still did not comply with his subpoena. The Subcommittee met on July 19, Subcommittee Chair Sánchez ruled against the privilege claims with respect to Mr. Bolten's refusal to produce any documents pursuant to the subpoena issued to him (as now reflected in the fourth count of the Resolution), and that ruling was upheld by a 7-3 vote.[29] Chairman Conyers wrote to Mr. Fielding on July 19 enclosing a copy of the ruling, urging compliance, warning again of the possibility of contempt, and stating that the Committee would assume that Mr. Bolten would not comply unless Mr.

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[24] Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Linda Sánchez, Chair, Subcomm. on Commercial and Admin. Law (July 11, 2007) (on file with the H. Comm. on the Judiciary).

[25] *The Continuing Investigation Into the U.S. Attorneys Controversy and Related Matters: Hearing Before the Subcomm. on Commercial and Admin. Law of the H. Comm. on the Judiciary*, 110th Cong. (2007).

[26] Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, to George Manning, Attorney for Harriet Miers, (July 13, 2007) (on file with the H. Comm. on the Judiciary).

[27] Letter from George Manning, Attorney for Harriet Miers, to John Conyers, Jr., Chairman, H. Comm. on the Judiciary (July 17, 2007) (on file with the H. Comm. on the Judiciary).

[28] Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, and Linda Sánchez, Chair, Subcomm. on Commercial and Admin. Law, to Fred Fielding, White House Counsel (July 17, 2007) (on file with the H. Comm. on the Judiciary).

[29] *The Continuing Investigation Into the U.S. Attorneys Controversy and Related Matters: Hearing Before the Subcomm. on Commercial and Admin. Law of the H. Comm. on the Judiciary*, 110th Cong. (2007).

Fielding notified him otherwise by the morning of Monday, July 23, 2007. [30] On July 23, Mr. Fielding wrote Chairman Conyers and stated that the White House position remained unchanged.[31]

II. Authority and Legislative Purpose

The Committee on the Judiciary is a standing Committee of the House of Representatives, duly established pursuant to the Rules of the House of Representatives, which are adopted pursuant to the Rulemaking Clause of the Constitution.[32] House Rule X grants to the Committee legislative and oversight jurisdiction over, inter alia, "judicial proceedings, civil and criminal," and "criminal law enforcement"; the "application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction"; the "operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction"; and "any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction."[33]

House Rule XI specifically authorizes the Committee and its subcommittees to "require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary."[34] The Rule also provides that the "power to authorize and issue subpoenas" may be delegated to the Committee chairman.[35] The subpoenas discussed in this report were issued pursuant to this authority.

The investigation into the U.S. Attorney matter and related concerns is being undertaken pursuant to the authority delegated to the Committee under Rule X as described above.
The legislative purposes of this investigation fall into two categories: 1) investigating and exposing any possible malfeasance, abuse of authority, or violation of existing law on the part of the Executive Branch related to these concerns, and 2) considering whether the conduct uncovered may warrant additions or modifications to existing federal law, such as more clearly prohibiting the kinds of improper political interference with prosecutorial decisions as have been alleged here.

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[30] Letter from John Conyers, Jr., Chairman, H. Comm. on the Judiciary, to Fred Fielding, Counsel to the President (July 19, 2007) (on file with the H. Comm. on the Judiciary).

[31] Letter from Fred Fielding, Counsel to the President, to John Conyers, Jr., Chairman, H. Comm. on the Judiciary (July 23, 2007) (on file with the H. Comm. on the Judiciary).

[32] U.S. Const., art. I, §5, cl. 2.

[33] House Rule X(1)(k)(1) and (7); House Rule X(2)(b)(1)(A)-(C).

[34] House Rule XI(2)(m)(1)(B).

[35] House Rule XI(2)(m)(3)(A)(i).

HEARINGS

In its investigation into U.S. Attorney terminations and related matters, the Committee's Subcommittee on Commercial and Administrative Law held 5 days of hearings, on March 6, March 29, May 3, June 21, and July 12, 2007. In addition, the full Committee held 2 days of hearings, on May 10 and May 23, 2007. More discussion of these hearings is contained in the background section of this Report.

COMMITTEE CONSIDERATION

On July 25, 2007, the Committee met in open session and ordered this Report favorably reported, [with an] [without] amendment, by [a vote of ___ to ___] [voice vote], a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following recorded votes took place:

[TO BE SUPPLIED]

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this Report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this Report does not provide new budgetary authority or increased tax expenditures.

COMMITTEE COST ESTIMATE

In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee believes that the cost incurred in carrying out the Report will be negligible.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the

House of Representatives, the Report will assist the Committee and the House of Representatives in vindicating Congress's responsibility to conduct appropriate oversight of the Executive Branch and vindicating the rule of law.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this Report in article 1, section 1 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, this Report does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

ADDITIONAL VIEWS

[TO BE SUPPLIED]