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# Congress of the United States
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July 3, 2008

Via Fax and U.S. Mail

Mr. Robert D. Luskin
Patton Boggs LLP
2550 M Street, N.W.
Washington, DC 20037-1350

Dear Mr. Luskin:

We were disappointed to receive your July 1 letter indicating that your client Karl Rove does not intend to appear before the Subcommittee on Commercial and Administrative Law on July 10, in violation of the subpoena directing him to do so. Your letter is all the more disappointing since other current and former White House officials have testified before the Committee, both voluntarily and pursuant to subpoena, and since you have publicly stated that Mr. Rove would testify if subpoenaed by Congress. We want to make clear that the Subcommittee will convene as scheduled and expects Mr. Rove to appear, and that a refusal to appear in violation of the subpoena could subject Mr. Rove to contempt proceedings, including statutory contempt under federal law and proceedings under the inherent contempt authority of the House of Representatives.

Your letter states that Mr. Rove will not attend the hearing because he is "obligated" to disregard the subpoena as a result of the White House's claim of immunity for former advisors. In fact, precisely the opposite is true. As a private party, Mr. Rove is "obligated" to comply with the subpoena issued to him and, at the very least, appear at the July 10 hearing. Indeed, in a similar situation in the 1970s, when the White House attempted to instruct a private party, AT&T, not to comply with a House Subcommittee subpoena, AT&T "felt obligated to disregard those instructions and to comply with the subpoena," resulting in a lawsuit by the Administration seeking to enjoin such compliance.[1]

In addition, refusing even to attend the hearing flies in the face of the recent conduct of several high-ranking White House officials, including current vice presidential Chief of Staff and presidential assistant David Addington and former White House press secretary Scott McClellan,

[1] U.S. v. AT&T, 551 F.2d 384, 387 (D.C. Cir. 1976)

who testified before the Committee upon invitation (McClellan) or subpoena (Addington). Former White House officials have also testified under subpoena before the Senate Judiciary Committee. Indeed, when you were asked by a media representative whether Mr. Rove would testify before Congress in response to a subpoena on the Siegelman matter, you responded "sure" by e-mail. The Subcommittee is prepared to consider objections to specific questions on privilege grounds, but there is no proper basis for the refusal to appear altogether.

Finally, although we remain willing to discuss proposals to seek to resolve this matter, we want to restate that attempting to separate the Siegelman matter from our related concerns about the politicization of the Justice Department is not acceptable. In fact, your own April 29 letter appears to recognize that the Siegelman matter, other selective prosecution matters, and the U.S. Attorney firings are clearly related as part of the concerns regarding politicization of the Department under this Administration. For this reason, an artificially truncated interview such as the one you propose would not be "constructive," but could instead limit the Committee's ability to understand any role played by Mr. Rove in the matters under investigation.

We strongly urge you to reconsider your position, and to advise your client to appear before the Subcommittee on July 10 pursuant to his legal obligations. Please direct any questions or communications 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

Linda T. Sánchez
Chair, Subcommittee on Commercial and Administrative Law

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