PATTON BOGGS LLP
ATTORNEYS AT LAW

2550 M Street, NW
Washington, DC 20037-1350
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

July 1, 2008

Robert D. Luskin
202-457-6190
rluskin@pattonboggs.com

VIA FACSIMILE

The Honorable John Conyers, Jr.
Chairman, Committee on the Judiciary
House of Representatives
Congress of the United States
2138 Rayburn House Office Building
Washington, DC 20515

Re: Karl C. Rove

Dear Chairman Conyers:

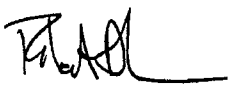
I am writing in response to your letter of June 16, 2008, concerning the subpoena to my client, Karl C. Rove, which is returnable on July 10, 2008, before the Subcommittee on Commercial and Administrative Law. I understand that you wish to inquire of Mr. Rove about the alleged politicization of the Department of Justice, including, specifically, the termination of U.S. Attorneys and the prosecution of former Gov. Siegelman.

As I have indicated to you in each of my letters, Mr. Rove does not assert any personal privileges in response to the subpoena. However, as a former Senior Advisor to the President of the United States, he remains obligated to assert privileges held by the President. As you are, of course, well aware, the precise question that we have discussed at length in our correspondence – whether a former Senior Advisor to the President is required to appear before a Committee of Congress to answer questions concerning the alleged politicization of the Department of Justice – is the subject of a lawsuit in the United States District Court for the District of Columbia. While I understand that you would prefer – and the Congress has taken the position in the pending litigation – that Mr. Rove appear in person and assert any applicable privileges on a question by question basis, Mr. Rove is simply not free to accede to the Committee's view and take a position inconsistent with that asserted by the White House in the litigation. Accordingly, Mr. Rove will respectfully decline to appear before the Subcommittee on July 10 on the grounds that Executive Privilege confers upon him immunity from process in response to a subpoena directed to this subject.

I hope, however, that we may continue our dialogue aimed at reaching an accommodation that respects the President's privilege while also addressing Congress' oversight obligations. As you know, Mr. Mincberg and I recently discussed our proposal – conveyed in my first letter to you – that Mr. Rove meet informally with the Committee to answer questions about the allegations raised by Gov. Siegelman without transcript or oath. It has consistently been our position, which I clarified for Mr. Mincberg in our recent conversations, that this accommodation, as well as our proposal that Mr. Rove answer written questions about this matter, were without prejudice to the Committee's right, should it be dissatisfied with the results, to attempt to enforce the subpoena. Our goal has always been to explore every possible means to avoid a wholly unnecessary confrontation, particularly since the underlying legal question is likely to be resolved judicially. While we understand the Committee's view that Gov. Siegelman's allegations are part of its larger inquiry into the alleged politicization of the Department of Justice, the Siegelman charges are entirely factually distinct from the allegations concerning the termination of U.S. Attorneys. We had hoped that an interview on the Siegelman matter would, at least, have permitted us all to accomplish something constructive. We very much regret that the Committee was unwilling to take this first, positive step.

I hope, however, that we will continue to explore ways to resolve this matter while the larger legal issues, over which Mr. Rove has no control, are addressed in court.

Yours sincerely,



Robert D. Luskin

Copy: The Honorable Linda T. Sanchez
The Honorable Lamar S. Smith
The Honorable Chris Cannon