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April 25, 2008

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VIA FACSIMILE & U.S. MAIL

The Honorable John Conyers, Jr.
Chairman, Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515-6216

Re: *Attorney General John Ashcroft*

Dear Chairman Conyers:

I write in response to your letter of April 8, 2008, inviting our client, former Attorney General John Ashcroft, to testify before the Committee on the Judiciary of the United States House of Representatives on May 6, 2008. For several reasons, General Ashcroft must respectfully decline your invitation.

First, the Office of Legal Counsel of the United States Department of Justice has informed General Ashcroft that, as relates to the topics identified in your letter, he is not authorized to discuss before the Committee deliberative communications, including the substance of comments on opinions or policy questions, or the confidential predecisional advice, recommendations, or other positions taken by individuals or entities of the Executive Branch. Any testimony on the subject matters identified in your letter would therefore pose a significant risk of disclosure, albeit inadvertent, of information that General Ashcroft is not authorized to discuss and might otherwise raise difficult issues of executive privilege and attorney-client privilege. And to the extent the Committee seeks testimony regarding only the conclusions and analysis actually contained in declassified legal memoranda or opinions prepared by the Department of Justice during General Ashcroft's tenure, this information is already in the Committee's possession and speaks for itself.

Second, as you may be aware, General Ashcroft is a defendant, along with several other former and current Administration officials, in a pending lawsuit involving many of the same issues noted in your invitation. Accordingly, it would be inappropriate for him to testify about these matters during the pendency of this litigation.

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The Honorable John Conyers, Jr.

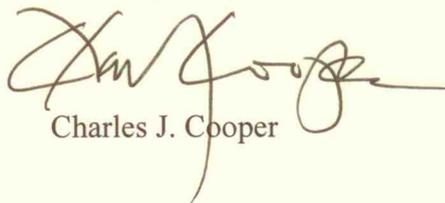
April 25, 2008

Page 2 of 2

Finally, as you are also aware, General Ashcroft voluntarily testified before the Judiciary Committee's Administrative and Commercial Law Subcommittee on March 11, 2008. Preparation for that testimony required the expenditure of significant time and effort by General Ashcroft. The Subcommittee has now also called for General Ashcroft's response to numerous additional written inquiries in relation to that testimony. General Ashcroft's on-going effort to provide comprehensive responses to those inquiries is again consuming a substantial amount of his time and attention, and will preclude him from preparing adequately for additional testimony on May 6.

Thank you for your consideration of General Ashcroft's position on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles J. Cooper", with a long horizontal flourish extending to the right.

Charles J. Cooper

cc: Hon. Lamar S. Smith
Hon. Jerrold Nedler
Hon. Trent Franks
Hon. Brian A. Benczkowski