

THE WHITE HOUSE

WASHINGTON

March 20, 2007

Dear Chairman Leahy, Chairman Conyers, Ranking Member Specter, Ranking Member Smith, and Congresswoman Sánchez:

I write in response to the letter of Chairman Leahy and Senator Specter dated March 13, 2007, and Chairman Conyers' and Congresswoman Sánchez's letter of March 9, 2007, regarding the Department of Justice's decision to request the resignations of United States Attorneys in December 2006. As you know, I have been working over the last week with your Committees to accommodate your interests, while at the same time respecting the constitutional prerogatives of the Presidency. I very much appreciate the time and consideration that you and other Members of Congress have provided me in the course of these discussions.

In keeping with the President's commitment to ensure that Congress and the American people understand the resignations of the U.S. Attorneys, the Department of Justice has produced more than 3,000 pages of documents relating to this matter. These documents do not reflect that any U.S. Attorney was replaced to interfere with a pending or future criminal investigation or for any other improper reason. These documents, together with the interviews to be provided by Department officials, will provide extensive background on the decisions in question, including an account of communications between the Department and senior White House officials. Congress, in short, is receiving a virtually unprecedented window into personnel decision-making within the Executive Branch.

In the midst of this current debate, the President must remain faithful to the fundamental interests of the Presidency and the requirements of the constitutional separation of powers. We wish to reach a reasonable accommodation so as to provide your Committees the information they are seeking in a way that will allow this President, and future Presidents, to continue to discharge their constitutional responsibilities effectively.

In response to the invitations for interviews extended by the Committees, I am prepared to agree to make available for interviews the President's former Counsel; current Deputy Chief of Staff and Senior Advisor; Deputy Counsel; and a Special Assistant in the Office of Political Affairs. We are prepared to agree to the following terms, which, considering applicable constitutional principles relating to the Presidency and your Committees' interests, we believe are fair, reasonable, and respectful. We believe that such interviews should be a last resort, and should be conducted, if needed, only after Congress has heard from Department of Justice officials about the decision to request the resignations of the U.S. Attorneys.

Such interviews may cover, and would be limited to, the subject of (a) communications between the White House and persons outside the White House concerning the request for resignations of

the U.S. Attorneys in question; and (b) communications between the White House and Members of Congress concerning those requests. Those interviews should be conducted by both Committees jointly. Questioning of White House officials would be conducted by a Member or limited number of Members, who would be accompanied by committee staff. Such interviews would be private and conducted without the need for an oath, transcript, subsequent testimony, or the subsequent issuance of subpoenas. A representative of the Office of the Counsel to the President would attend these interviews and personal counsel to the invited officials may be present at their election.

As an additional accommodation, and as a part of this proposal, we are prepared to provide to your Committees copies of two categories of documents: (a) communications between the White House and the Department of Justice concerning the request for resignations of the U.S. Attorneys in question; and (b) communications on the same subject between White House staff and third parties, including Members of Congress or their staffs on the subject.

We trust and believe that the accommodation we offer here, in addition to what the Department of Justice has provided, should satisfy the Committees' interests.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fred F. Fielding', written over a horizontal line.

Fred F. Fielding
Counsel to the President

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