

May 9, 2008

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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 May 1, 2008, about my client, Karl C. Rove. You ask that Mr. Rove reconsider his refusal to testify voluntarily before the Committee and threaten the use of compulsory process if he does not agree to your invitation.

Your letter of May 1, 2008, makes clear that the Committee seeks Mr. Rove's testimony on a variety of subjects related to the Department of Justice that are already the subject of a previous Committee subpoena to Mr. Rove. As I emphasized in my letter of April 29, Mr. Rove was not free to respond to your previous subpoena nor is he free now to accept your invitation to testify. Although he has not and does not intend to assert any personal privileges to avoid testifying, he is bound to respect the limitations on his testimony that the White House has expressed to the Committee directly and has maintained in pending litigation. It is hard for me to understand, therefore, what can be gained by plowing the same ground a second time, particularly since the subject matter remains the same and the legal issues are encompassed by litigation in the U.S. District Court for the District of Columbia. Provoking a gratuitous confrontation will not help to reach an accommodation between the interests of the Committee and those of the Executive Branch and is unnecessarily and unfairly burdensome to Mr. Rove.

In my letter of April 29, I offered to make Mr. Rove available for an interview by Committee staff, a compromise intended to permit the Committee to explore the allegations raised by Governor Siegelman and others, while respecting the limits imposed upon Mr. Rove's testimony. In your letter of May 1, you indicated that an interview would not permit the Committee to assemble a "straightforward and clear record" on this matter, since the interview would not be transcribed nor would it be conducted under oath. As an alternative, Mr. Rove is prepared to

The Honorable John Conyers, Jr.

May 9, 2008

Page 2

respond to written questions on the subject of the Siegelman prosecution. Mr. Rove's written responses to your questions would give the Committee the "clear and straightforward" record that you profess to require, while still respecting the limits imposed on Mr. Rove by the White House. Such an approach would surely satisfy the Committee's legitimate concerns regarding the allegations.

Please let me know if such an approach is acceptable so that we can make appropriate arrangements.

Yours sincerely,



Robert D. Luskin

Copy: Honorable Linda T. Sanchez
Honorable Tammy Baldwin
Honorable Artur Davis
Elliot Mincberg, Esq.