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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*
MICHAEL O'NEILL, *Republican Chief Counsel and Staff Director*

May 2, 2007

The Honorable Alberto Gonzales
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Gonzales:

At the hearing last Thursday and again in a letter dated April 25, 2007, I asked you whether you would provide Karl Rove's e-mails in the possession of the Justice Department to the Committee without a subpoena. His lawyer stated publicly that these emails, many of which have been reported "lost", were turned over to U.S. Attorney Patrick Fitzgerald as part of the investigation into the leak of the identity of a covert CIA officer by officials in the Administration that led to the conviction of I. Lewis "Scooter" Libby. You responded at the hearing that you did not know but would check and get back to me. I have not heard back from you since in response to my question or the letter.

Attached please find a subpoena compelling the Department by May 15 to produce any and all emails and attachments to emails to, from, or copied to Karl Rove related to the Committee's investigation into the preservation of prosecutorial independence and the Department of Justice's politicization of the hiring and firing and decision-making of United States Attorneys, from any (1) White House account, (2) Republican National Committee account, or (3) other account, in the possession, custody or control of the Department of Justice. This subpoena includes any such emails that were obtained by Mr. Fitzgerald as part of the Plame investigation.

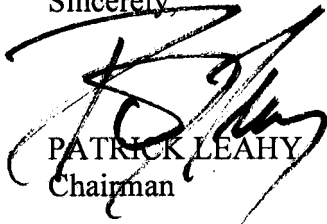
I continue to hope that the Department will cooperate with the Committee's investigation, but it is troubling that significant documents highly relevant to the Committee's inquiry have not been produced, such as a confidential order revealed yesterday by the press that you issued in March 2006 delegating to two of your aides, former Chief of Staff D. Kyle Sampson and former White House Liaison Monica Goodling, authority over the hiring and firing of most political employees of the Justice Department.

The Honorable Attorney General Gonzales
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Indeed, despite multiple requests for the Department to produce documents voluntarily related to the Committee's investigation into the mass firings of U.S. Attorneys and politicization at the Department, the Department's production of documents has been selective and incomplete. Many documents have been withheld or redacted without any legal basis being set forth. In addition, to date, the Department has yet to provide the Committee with the precise scope of the production, any assurance that a preservation order was issued to prevent the loss or destruction of documents, and a complete privilege log that provides the basis for withholdings and redactions. In document productions and interviews with Department employees, the Department continues to insist on providing information within only a highly limited scope inconsistent with the Committee's inquiry and over the Committee's objection.

I look forward to your compliance with the Judiciary Committee's subpoena by the May 15 return date. I also ask for an immediate response to and full compliance with the outstanding requests for information by the Committee and its members to avoid further subpoenas.

Sincerely,



PATRICK LEAHY
Chairman

UNITED STATES OF AMERICA

Congress of the United States

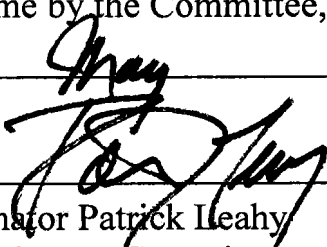
To Alberto Gonzales, Attorney General of the United States, **Greeting:**

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear before the Committee on the Judiciary of the Senate of the United States, on May 15, 2007, at 2:00 o'clock p.m., at their committee room 226 Dirksen Senate Office Building, then and there to testify what you know relative to the Committee's inquiry into the preservation of prosecutorial independence and the Department of Justice's politicization of the hiring and firing of United States Attorneys and to bring with you the documents described in Attachment A under the terms and conditions stated therein. A personal appearance at the above-referenced date and time will not be necessary if the documents described in Attachment A are delivered to the Committee's offices prior to the scheduled return.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To any Committee staff member or U.S. Marshal to serve and return.

Given under my hand, by authority vested
in me by the Committee, on this 2 day
of May, 2007.



Senator Patrick Leahy
Chairman, Committee on the Judiciary
United States Senate

Attachment A

Documents Subpoenaed

1. Complete and unredacted versions of any and all emails and attachments to emails to, from, or copied to Karl Rove related to the Committee's investigation into the preservation of prosecutorial independence and the Department of Justice's politicization of the hiring and firing and decision-making of United States Attorneys, from any (1) White House account, (2) Republican National Committee Account, or (3) other account, in the possession, custody or control of the Department of Justice, including any such emails that were obtained by U.S. Attorney Patrick Fitzgerald as part of the investigation into the leak of the identity of a covert CIA officer by officials in the Administration that led to the conviction of I. Lewis "Scooter" Libby. The documents produced shall include, but not be limited to:
 - A. Documents related to the Administration's evaluation of, and decisions to remove and/or replace, U.S. Attorneys since President Bush's re-election.
 - B. Documents related to the selection, discussion and evaluation of possible replacements for any U.S. Attorney, including interim or acting appointments.
 - C. Documents related to the performance and decision-making of U.S. Attorneys, including in cases involving public corruption specifically or broadly, voter fraud, vote suppression, and enforcement or non-enforcement of civil rights laws protecting voting rights.
 - D. Documents related to the hiring, firing, appointment, removal, or resignation of career and political personnel at the Department of Justice, including documents related to the policies for and White House or Department officials involved in the hiring, firing, appointment, removal, or resignation of career and political personnel.

Instructions

1. In complying with this subpoena, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agent, employee, or representative acting on your behalf. You are also required to produce documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. No documents as defined herein called for by this request shall be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee. If you have knowledge that any subpoenaed document as defined herein has been destroyed, discarded, or lost, identify the subpoenaed document and provide an explanation of the destruction, discarding, loss or disposal and the date at which then document was destroyed, discarded or lost.
3. This subpoena is continuing in nature. Any document not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto with an explanation of why it was not located or discovered by the return date.
4. If you believe any responsive documents are protected by a privilege, please provide a privilege log which (1) identifies any and all responsive documents to which the privilege is asserted, (2) sets forth the date, type, addressee(s), author(s) (and, if different, the preparer and signatory), general subject matter, and indicated or known circulation of the document, and (3) states the privilege asserted in sufficient detail to ascertain the validity of the claim of privilege.
5. Production with respect to each document shall include all electronic versions and data files from email applications as well as from word processing, spreadsheet, or other electronic data repositories applicable to any attachments, and shall be provided to the Committee where possible in its native file format and shall include all original metadata for each electronic documents or data file.

Definitions

1. The term “document” as used in this subpoena includes all emails, memoranda, reports, agreements, notes, correspondence, files, records, and other documents, data or information in any form, whether physical or electronic, maintained on any digital repository or electronic media, and should be construed as it is used in the Federal Rules of Civil Procedure.
2. The terms “related” and “relating” with respect to any given subject, shall be construed broadly to mean anything that constitutes, contains, embodies, reflects, identifies, concerns, states, refers to, deals with or is in any manner whatsoever pertinent to the subject.
3. The terms “including” and “includes,” with respect to any given subject, shall be construed broadly so that specification of any particular matter shall not be construed to exclude any documents that you have reason to believe the Committee might regard as responsive.

4. The terms “Department of Justice” and “Department” includes without limitation, anyone presently or formerly employed there, suspended from employment there, or on administrative leave from employment there.

5. The terms “you” and “your” include you individually, in your capacity as Attorney General, as well as the Department of Justice, and, without limitation, anyone presently or formerly employed there, suspended from employment there, or on administrative leave from employment there.