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Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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August 1, 2008

By Fax and US Mail

George T. Manning, Esq.
Jones Day
1420 Peachtree Street, N.E., Suite 800
Atlanta, GA 30309

Dear Mr. Manning:

I am writing to follow up on Judge Bates' ruling in the Committee's civil case seeking enforcement of the subpoena issued to your client Harriet Miers. I have also written today to Mr. Fielding at the White House and I want to assure you that, consistent with Judge Bates' suggestion, I remain committed to resolving this matter on a cooperative basis and without the need for further litigation. I look forward to productive discussions dedicated to reaching such a resolution and urge you to contact me or my staff at any time to discuss these issues.

In the meantime, as you know, the ruling concludes that Ms. Miers is "legally required to testify pursuant to a duly issued congressional subpoena" and directs her to appear before the Committee in response to subpoena. Committee staff already has contacted you regarding Ms. Miers' availability in September to appear at this hearing and we look forward to working cooperatively with you on setting a mutually convenient schedule.

The ruling also requires production of any non-privileged documents subject to the subpoena that Ms. Miers may possess and to provide "a specific description of any documents withheld from production on the basis of executive privilege consistent with the terms of the Memorandum Opinion." Order at ¶ 4. The Opinion in turn requires production of a "list" of the relevant documents as well as a "more detailed" description of their "nature and scope" than that contained in Mr. Clement's June 27, 2007 letter. Memorandum Opinion at 92-93. As I have written to you previously, if Ms. Miers has never had such documents in her possession, it will be sufficient to inform us accordingly.

Because the parties are to appear before Judge Bates at a status conference on August 27, 2008, it is important that we move quickly on these matters. For that reason, I expect that we can

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promptly agree on a date for Ms. Miers' testimony and that you will comply with the opinion concerning documents. In particular, timely production of these materials is essential so that we may have productive negotiations regarding the document issue ahead of our appearance before Judge Bates, as he has urged us to do. See Memorandum Opinion at 77.

Now that Judge Bates has clarified the legal issues, I am hopeful we can move forward and work together towards a fair and efficient resolution of this matter and the completion of the Committee's investigation. As the recent Department of Justice Inspector General/Office of Professional Responsibility reports make clear, the issues under investigation are of the utmost significance to the nation.

Please direct any questions or communications to the Judiciary Committee office, 2138 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-3951; fax: 202-225-7680). I look forward to your cooperation in this matter.

Sincerely,

A handwritten signature in blue ink that reads "John Conyers, Jr." with a period at the end. The signature is written in a cursive style.

John Conyers, Jr.
Chairman

cc: The Honorable Linda Sánchez
The Honorable Lamar S. Smith
The Honorable Chris Cannon
Fred Fielding, Esq.
Carl Nichols, Esq.
Irvin Nathan, Esq.