



U.S. Department of Justice

Office of Legal Counsel

Office of the Principal Deputy Assistant Attorney General

Washington, D.C. 20530

August 1, 2007

Fred F. Fielding
Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr. Fielding:

You have asked whether Karl Rove is legally required to appear and provide testimony in response to a subpoena issued by the Committee on the Judiciary of the United States Senate. For the reasons discussed below, we believe he is not.

Mr. Rove serves as an Assistant to the President, Deputy White House Chief of Staff, and Senior Advisor to the President. The Committee, we understand, seeks testimony and documents from Mr. Rove about matters arising during his tenure in these positions and relating to his official duties. Specifically, the Committee wishes to ask Mr. Rove about the removal and replacement of several United States Attorneys in 2006. *See* Letter for Karl Rove, Deputy Chief of Staff, from the Hon. Patrick Leahy, Chairman, Senate Committee on the Judiciary (July 26, 2007).

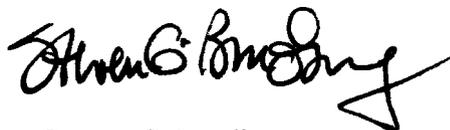
As we explained in our opinion to you dated July 10, 2007, regarding a subpoena to former Counsel to the President Harriet Miers, immediate presidential advisers are constitutionally immune from compelled congressional testimony about matters that arise during their tenure as presidential aides and relate to their official duties. *See* Memorandum for the Counsel to the President from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, *Re: Immunity of Former Counsel to the President from Compelled Congressional Testimony* at 2 (July 10, 2007). In our July 10 opinion, we noted that Assistant Attorney General William Rehnquist defined immediate presidential advisers as “those who customarily meet with the President on a regular or frequent basis.” *Id.* at 1 (quoting Memorandum from William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, *Re: Power of Congressional Committee to Compel Appearance or Testimony of “White House Staff”* at 7 (Feb. 5, 1971) (“*Rehnquist Memo*”).

Based on the information provided to us, Mr. Rove satisfies the Rehnquist definition of immediate presidential adviser. We understand that Mr. Rove is one of the President’s closest advisers. He meets with the President quite frequently and advises him on a wide range of policy issues. Mr. Rove’s responsibilities and interactions make him a presidential adviser “who customarily meet[s] with the President on a regular or frequent basis.” *Rehnquist Memo* at 7. Accordingly, we conclude that Mr. Rove is immune from compelled congressional testimony

about matters (such as the U.S. Attorney resignations) that arose during his tenure as an immediate presidential adviser and that relate to his official duties in that capacity. Therefore, he is not required to appear in response to the Judiciary Committee subpoena to testify about such matters.

Please let me know if we may be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven G. Bradbury". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Steven G. Bradbury
Principal Deputy Assistant Attorney General