

NLWJC - Kagan

Counsel - Box 031 - Folder 002

Whitewater Document Request II
[1]

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Counsel Office

Series/Staff Member: Elena Kagan

Subseries:

OA/ID Number: 8293

FolderID:

Folder Title:

White Document Request II

Stack:

V

Row:

7

Section:

2

Shelf:

11

Position:

3

THE WHITE HOUSE

WASHINGTON

January 22, 1996

MEMORANDUM FOR JANE SHERBURNE
SPECIAL COUNSEL TO THE PRESIDENT

ELENA KAGAN
ASSOCIATE COUNSEL TO THE PRESIDENT

FROM: TERRY GOOD *Terry Good*
OFFICE OF RECORDS MANAGEMENT

RE: SUBPOENA FOR DOCUMENTS

Attached are copies of various documents in response to your request for:

any and all documents and/or communications referring or relating to the location, efforts to locate, production, efforts to produce, whereabouts, or existence of documents referring or relating to: (a) legal representation provided by, legal work performed by, or Rose Law Firm compensation allocated to Hillary Rodham Clinton; or (b) legal representation provided to or legal work performed for Madison Guaranty Savings & Loan.

*Non-responsive
from Records*

MEMORANDUM FOR TERRY GOOD, DIRECTOR OF RECORDS MANAGEMENT

DATE: JANUARY 22, 1996

FROM: HUGH THOMAS TAGGART JR. *HTJR*

SUBJECT: JANUARY 20, 1996 MEMO FROM JANE SHERBURNE AND ELENA KAGAN, COUNSEL'S OFFICE

PER YOUR DIRECTIONS, I HAVE SEARCHED THE OFFICE OF RECORDS MANAGEMENT FOR MATERIAL RESPONSIVE TO THE PARAGRAPH OUTLINED IN THE MEMO ATTACHED. OUR OFFICE HAS PREVIOUSLY DONE EXTENSIVE SEARCHES FOR ANY AND ALL MATERIAL RELATED TO THE ROSE LAW FIRM AND MADISON GUARANTY SAVINGS AND LOAN.

THERE ARE 4 DOCUMENTS (COPIES ATTACHED) FROM ORM SUBJECT FILE THAT MAY BE RELEVANT TO THE SEARCH REQUEST. THEY ARE: 027916CU, 053467CU, 057061CU, 112362. ALL HAVE BEEN PREVIOUSLY SUBMITTED TO VARIOUS MEMBERS OF THE COUNSEL'S OFFICE.

THERE ARE ALSO ATTACHED COPIES OF 7 RESPONSES TO THE COUNSEL'S OFFICE BY THE OFFICE OF RECORDS MANAGEMENT THAT INVOLVED ANY RECORDS OF THE ROSE LAW FIRM AND MADISON GUARANTY SAVINGS AND LOAN. THESE MEMOS REFER SPECIFICALLY TO OUR EFFORTS TO PRODUCE ANY ALL DOCUMENTS AND INFORMATION IN OUR CUSTODY CONCERNING THE ROSE LAW FIRM AND MADISON GUARANTY.

THE WHITE HOUSE

WASHINGTON

January 20, 1996

MEMORANDUM FOR EXECUTIVE OFFICE OF PRESIDENT STAFF

FROM: JANE SHERBURNE *JS*
Special Counsel to the President

ELENA KAGAN *EK*
Associate Counsel to the President

SUBJECT: SUBPOENA FOR DOCUMENTS

We have received a subpoena from the Independent Counsel in the Whitewater matter for certain materials described below. Please provide any materials -- including documents, records, phonelogs, notes, computer records, letters, and telefax materials -- that are responsive to the paragraph below to **Elena Kagan, OEOB Room 125, by 5:00 p.m. on Monday, January 22, 1996.**

Any and all documents and/or communications referring or relating to the location, efforts to locate, production, efforts to produce, whereabouts, or existence of documents referring or relating to: (a) legal representation provided by, legal work performed by, or Rose Law Firm compensation allocated to Hillary Rodham Clinton; or (b) legal representation provided to or legal work performed for Madison Guaranty Savings & Loan.

0279160u

*053467M
057061EM*

112362

It is extremely important that staff members conduct a thorough search for documents by the end of the business day. Each Assistant to the President or Department head should ensure that his or her staff members conduct such a search.

If you believe you may have responsive documents but cannot locate them by 5:00 p.m., please contact Elena Kagan (6-7594) immediately.

TAGGART JR, HUGH T.
WHITE HOUSE OFFICE

RECORDS MANAGEMENT

DEOB

72

ID # 027916 CU

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- INCOMING
Date Correspondence Received (YY/MM/DD) 93 107 14

COPY

from ORM

Name of Correspondent: Sen. Dale Rumpas

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: The merit of RTG litigation - certain referenced cases

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CU</u>	<u>WUSS</u>	ORIGINATOR	<u>9310714</u>			<u>1 1</u>
		Referral Note:				
<u>CU</u>	<u>ATOS</u>	<u>A</u>	<u>9310715</u>			<u>1 1</u>
		Referral Note:				
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		Referral Note:				

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments:

RL *lazy/i*

Can you prepare a response to this letter?

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OE0B).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

SCANNED

027916 cu

THE WHITE HOUSE
WASHINGTON

JULY 7, 1993

MEMORANDUM

TO: BERNARD W. NUSSBAUM
COUNSEL TO THE PRESIDENT

FROM: VINCENT W. FOSTER ✓
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: LETTER FROM SENATOR BUMPERS REGARDING RESOLUTION
TRUST CORPORATION, MAY 26, 1993

As you will note, I was copied on the letter from Senator Bumpers to Roger Altman and you concerning director-negligence cases by the Resolution Trust Corporation. I am recused from participating in any consideration of this letter. My former law firm represented the RTC in certain director-negligence cases in Arkansas. In addition, Senator Bumpers includes a letter received from Seth Ward. For your information, Mr. Ward is the father-in-law of Associate General Webb Hubbell who, as you know, was also a member of my former law firm.

DALE RUMPERS ARKANSAS, CHAIRMAN

SAM NUNN GEORGIA
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CHRISTOPHER B. BOND MISSOURI
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CONNIE MACE FLORIDA
PAUL COVERDELL GEORGIA
DIRK KEMPTHORNE IDAHO
ROBERT F. BENNETT UTAH
JOHN H. CHAFFEE RHODE ISLAND

United States Senate

COMMITTEE ON SMALL BUSINESS

WASHINGTON, DC 20510-6350

JOHN W. BALL II STAFF DIRECTOR
THOMAS G. HOENEMANN MINORITY STAFF DIRECTOR

May 26, 1993

The Honorable Roger Altman
Chief Executive Officer
Resolution Trust Corporation
801 17th Street, N.W., Suite 1001
Washington, D.C. 20434-1001

Bernard Nussbaum
Counsel to the President
The White House
Washington D.C. 20500

Dear Roger and Bernard:

I am writing to ask that you and others in the Administration review government policies with regard to litigation by the RTC of so-called director-negligence cases, as well as RTC's litigation policies generally. A number of the cases which have been brought to my attention seem to be both stale and of very questionable merit.

My concern is partly prompted by a recent jury verdict in the Western District of Arkansas in favor of several well-known Fayetteville businessmen who were directors of First Federal Savings and Loan of Fayetteville. I know most of these men well, and the case is summarized by a letter I received from one of the defense lawyers which is enclosed.

Please understand that I do not question in the least that the government should pursue aggressively any case where there is evidence of fraud or self-dealing by the directors and officers of a failed savings and loan. However, as a one-time Arkansas trial lawyer of some experience, I can tell you that cases such as this, based purely on negligence, are difficult to win. This is especially so when the allegations are many years old and when the government is the plaintiff.

Most states have negligence statutes of limitation of two or three years, and for good reason: witnesses' recollections beyond that point are very unreliable. Congress has extended the statute for these cases, although I recently voted against a further extension. Any negligence case ten years old is virtually impossible to prove because the witnesses' memories have entirely faded.

Based on some of the complaints which have been filed lately, it appears that RTC's litigators are trying to make themselves look aggressive. Some of the legal fees are enormous, and I honestly believe some cases are filed for pure settlement value.

Messrs. Altman and Nussbaum
May 26, 1993
Page Two

Also enclosed is a letter I received from Seth Ward regarding rather voluminous litigation between him and RTC which was essentially a collateral attack on a state court judgment which Seth had won for breach of contract against Madison Guaranty Savings and Loan. As you will see, that case must have set some kind of record for the amount of lawyers' and judges' time consumed.

I would appreciate your reviewing the enclosed letters regarding RTC v. Eason et al, and Ward v. RTC and relates cases. Of course, I have no view whether the government's appeal in Eason is well-founded as a matter of law. However, knowing these defendants and seeing what short shrift the jury gave to the government's case after a six-day trial gives me some concern about the overall litigation policy.

I look forward to hearing from you.

Sincerely,

Dale Bumpers

DB/jwbr

Enclosure

cc: Vince Foster ✓
Mack McLarty
Bill Kennedy

DAVIS, COX & WRIGHT

ATTORNEYS AT LAW

P. O. DRAWER 1000
FAYETTEVILLE, ARKANSAS 72702-1000

MAY 17 8 11:57

SIDNEY P. DAVIS JR.
WALTER R. COX
TILDEN P. WRIGHT III
CONSTANCE G. CLARK
WM/JACKSON RUTT II
KELLY CAUTHERN
TIM E. HOWELL
DON A. TAYLOR
PAUL H. TAYLOR
JOHN D. NICHOLS

10 EAST MOUNTAIN STREET

TELEPHONE
501/681-7800

TELECOPIER
501/681-7801

May 12, 1993

RE: RTC v. Eason
United States District Court for
the Western District of Arkansas
Case No. 92-5033.

Honorable Dale Bumpers
United States Senator for
the State of Arkansas
229 Dirksen Building
Washington, D.C. 20510

Dear Senator Bumpers:

The efforts of the United States Government to recover the losses of its insuring agencies arising from the savings and loan debacle have been in the courts for several years now. The first wave of litigation was to put the crooks in jail; the second wave of litigation was to recover from those who had committed fraud and self-dealing; the third wave of litigation has become a political hot potato, and this letter will address a very direct and negative impact that such litigation has on your constituents. I am sure that among the concerns of your office are the practicality, fairness and financial viability of the RTC efforts. This letter is to provide you with firsthand information in that regard.

I represent five directors of the failed First Federal Savings and Loan of Fayetteville. These directors are Al Eason (who founded the institution in 1953), Joe Upchurch, Dr. Warren Murry, Fred Robinson and Rex Smith. These gentlemen, all now in their sixties, seventies and eighties, established through decades of living and working in Northwest Arkansas unquestionable reputations as competent and successful businessmen, honest citizens and community leaders and volunteers.

They coped as best they could with the crisis and decimation of the savings and loan industry that began with runaway inflation and deregulation in the late 70's and early 80's, and concluded with the collapse of the commercial real estate market and oil industry in the late 1980's - all of which were beyond the control and

Senator Dale Bumpers
May 12, 1993
Page 2

foreseeability of savings and loan officers and directors.

In this crisis, First Federal of Fayetteville lost several millions of dollars. Because of a statutorily extended statute of limitations, the federal government had until early 1992 to sue these directors for loans (and alleged negligence) by them in the early 1980's.

In March, 1992, three years after the RTC had seized their institution and their officers and directors insurance policies had lapsed, and almost a decade after the alleged acts of negligence had occurred and when all of these men were on the verge of or well into retirement, they were sued for eight million dollars.

One year later, after they had paid hundreds of thousands of dollars of legal fees out of their own pockets, suffered terrific fear and uncertainty as to their financial security and a 6 day jury trial, the jury returned a very quick verdict of no liability.

The RTC refused to discuss settlement because of certain "formulas" they alluded to but of which we were not apprised. Though the RTC's case survived pretrial motions to dismiss and motions for summary judgement, and motions at trial for judgment as a matter of law, it was by the scantest thread at each occasion. The jury made short work of the threadbare factual issues. While the case apparently does not justify sanctions under the federal rules for being completely spurious, it has not only been devastating to these mens' lives and financial situations merely to defend the suit, it has created great concern of those who are presently on the boards of our local businesses and financial institutions that they, a decade hence, can be dragged into court to answer for any conceivable loss that, in hindsight, arguably shouldn't have occurred.

The RTC has now filed a timely notice of appeal, prolonging the costs and trauma to my clients. Obviously, they must and will see this through by the legal process and I am certain of final vindication. The RTC's grounds for appeal are as weak as tap water. Nevertheless, since our vindication, I have been contacted from counsel throughout the United States whose clients are facing these same allegations. This third wave of litigation, suing directors years and years later for alleged negligence in making decisions which were, at the time, the best and only decisions that could be made in a crisis, may create a minimally sustainable legal question, but it is beyond the boundaries of what is politically right and economically practical in picking up the shreds of the failed savings and loan industry.

Thank you for your consideration in these matters, and I would be

Senator Dale Bumpers
May 12, 1993
Page 3

eager to provide you further information in this regard.

Sincerely,

DAVIS, COX & WRIGHT

Wm. Jackson Butt II
Wm. Jackson Butt II

WJB:lk

cc: Al Eason
Rex Smith
Joe Upchurch
Warren Murry
J.F. Robinson
Margaret Robinson Walker

DAVIS, COX & WRIGHT

ATTORNEYS AT LAW

P. O. DRAWER 1000

FAYETTEVILLE, ARKANSAS 72708-1000

393 MAY 17 PM 1:58

MIDNEY P. DAVIS JR.
WALTER E. COX
TILDEN P. WRIGHT III
CONSTANCE G. CLARK
WM. JACKSON BUTT II
KELLY CARPHERS
TOM S. ROWELL
DON A. TAYLOR
PAUL H. TAYLOR
JOHN D. NICHOLS

10 EAST MOUNTAIN STREET

TELEPHONE
501/881-7900

TELESCOPIER
501/881-7901

May 11, 1993

Re: RTC v. Eason, and the
Directors of First Federal
Savings and Loan of Fayetteville

Mr. Lance Stockwell
Attorney at Law
800 Oneok Plaza
100 West 5th Street
Tulsa, OK 74103-4216

Dear Lance:

We have received the RTC's Notice of Appeal. Over and above the normal disappointment that arises when a case is won and the loser appeals, this appeal is particularly frustrating and perplexing.

As a taxpayer, I see my tax dollars being wasted on this case. It is obvious in hindsight that the inherent weakness of the government case was aggravated by its not properly preparing its damages issue, and that prior to filing it did not have, and during case preparation could not develop, a presentable expert on the matter of liability.

When my partner, Sid Davis, was assisting our clients in responding to the pretrial subpoenas, he had the promise of RTC attorney Neysa Day that the government had not made a decision whether the merits of this case justified filing it. It was disappointing to receive, within hours of our response to the subpoena, a comprehensively pleaded lawsuit filed against our clients. Again, hindsight reflected that ten years after these loans were made the government was running out of time to file suit, not that it had made any carefully considered decision as to the merits of this lawsuit. We believe that Neysa Day lied to us, and that her actions throughout this trial have reflected poor practical, legal, financial and moral judgment.

After you deposed Al Eason, I think it was obvious to you that Mr. Eason was an honest and competent savings and loan officer and there was no fraud or self dealing. It also became obvious to the RTC early on that there was no insurance coverage and the very substantial defense cost of this case would come out of our clients' pockets. I urged you then to make a practical and moral

Mr. Lance Stockwell
May 11, 1993
Page 2

decision to drop this case. Not only did the RTC not drop the case, it never made a settlement offer.

I call your attention to an excerpt from the "Bank Bail-Out Litigation News" in which the former OTS chief counsel Harris Weinstein urged the federal agencies to drop their focus on negligence in lawsuits, in favor of finding even "the slightest evidence of self-dealing and fraud".

The lack of any such evidence was obvious to you and the entire RTC litigation team from the beginning. Your opening words to the jury were to disclaim even the slightest evidence of self-dealing and fraud. As Mr. Weinstein notes, cases based solely on negligence are fraught with difficulties, generally unprofitable and are backward looking leaving no room for error. Rather than creating any deterrent effect for present directors and officers, such cases merely chase away competent persons who would otherwise be willing to serve on bank boards.

I can assure you that the trauma and costs of litigating this matter in our community are well known and have likely caused many persons who are serving or may have served on boards to decline to do so.

The government, through the FDIC, OTS and RTC, has made its best efforts to chase the S & L crooks into jail, and that is fine. The government has made its best efforts to collect from those who were involved in fraud and self-dealing, and that is fine. But now, the government, and you as its tool, are making a reprehensible moral and financial decision to try to recover from honest people, with demonstrated records of business success and community integrity, losses that, as you agreed many times to the jury in this trial, were part and parcel of the failure of the savings and loan industry throughout the United States which resulted from circumstances beyond the control of any of these people.

This is what I consider to be a waste of the taxpayers' money and a moral travesty. I am quite sure that this letter will not cause you to terminate your efforts. Neysa Day must justify what was demonstrably very poor legal and practical judgment on her part, and thus will pursue this to its final appeal, wasting further money. Oh, if she were only an S & L director with respect to her judgment on this case and I the RTC attorney!

Nevertheless, moral decisions occasionally play a role in legal outcomes, and I feel compelled to express to you my objections over the continuation of this unnecessary lawsuit that is unfair and Mr.

Lance Stockwell
May 11, 1993
Page 3

financially damaging both to my clients and to all taxpayers in general.

Thank you for your consideration.

Sincerely,

DAVIS, COX & WRIGHT

William Jackson Butt, II

WJB:skg

cc: Hon. Senator Dale Bumpers
Hon. Senator David Pryor
Hon. Congressman Tim Hutchinson
Mr. A. P. Eason, Jr.
Mr. Rex Alan Smith
Mr. Joe A. Upchurch
Dr. J. Warren Murrey
Mr. J.F. Robinson
Margaret Robinson Walker

SETH WARD
9 RIVER BEND ROAD
LITTLE ROCK, ARKANSAS 72202

1993 MAY 24 PM 8:49

May 20, 1993

Senator Dale Bumpers
Senate Dirksen Building, Room 229
Washington, D.C. 20510

Senator David Pryor
267 Russell Building
Washington, D.C. 20510

Dear Senators:

I am writing to bring to your attention my recent litigation experience with the Resolution Trust Corporation ("RTC"). Although that litigation was settled last month, I will never be able to forget the RTC's gross abuse of power and waste of taxpayer money in mindlessly pursuing its claim against me, with no regard for either the merits of its legal position or the costs of the litigation.

In 1985, I entered into a fully executed written contract with Madison Guaranty Savings and Loan Association ("Madison Guaranty") and Madison Financial Corporation ("MFC") pursuant to which I was to be paid certain real estate commissions in connection with the sale of undeveloped property. Although Madison Guaranty and MFC made over \$1,500,000 on the sales of that property, they subsequently refused to pay my real estate commissions. Therefore, on September 2, 1987, I filed suit against them in Pulaski County Circuit Court for breach of our written real estate commission contract.

On September 6, 1988, after a two-day jury trial, I was awarded a judgment against Madison Guaranty and MFC in the sum of \$353,000. On October 6, 1988, Madison Guaranty and MFC appealed that judgment to the Arkansas Court of Appeals.

Senator Dale Bumpers
Senator David Pryor
May 20, 1993
Page 2

On February 10, 1989, Madison Guaranty was declared insolvent and FSLIC was appointed as its receiver. On March 10, 1989, FSLIC removed Madison Guaranty's state court appeal of my judgment to federal district court and unleashed a litigation firestorm for the sole purpose of forcing me to spend the full amount of my state court judgment defending that action.

It would take me a dozen pages to review the full procedural history of this case as FSLIC and, later, its successor, the RTC, pursued a meritless but incredibly expensive collateral attack on my state court judgment, even though the Arkansas Court of Appeals issued an October 25, 1989 per curiam order and mandate that dismissed the RTC's appeal of this case and that allowed me to fully satisfy my \$353,000 judgment. Suffice it to say, after FSLIC's initial removal of this case to federal district court on March 10, 1989, Judge Reasoner remanded the case back to the Arkansas Court of Appeals; the RTC removed the case a second time from the Arkansas Court of Appeals to federal district court; and FSLIC and the RTC appealed subsequent adverse rulings from the federal district court to the Eighth Circuit on four separate occasions: In re FSLIC, 881 F.2d 564 (8th Cir. 1989); In re RTC, 888 F.2d 57 (8th Cir. 1989); Ward v. RTC, 888 F.2d 57 (8th Cir. 1990); Ward v. RTC, 972 F.2d 196 (8th Cir. 1992), cert. denied 113 S.Ct. 1412 (1993). Although such a procedural history is normally reserved for only the most complex antitrust cases, the RTC managed to accomplish this feat in a post-removal state court appeal in which the only issue concerned whether it could collaterally attack my final, fully satisfied \$353,000 state court judgment!

Throughout my four-year battle with the RTC, it was represented by at least one partner and one or more associates with Friday, Eldredge & Clark and at least one partner and one or more associates from the

Senator Dale Bumpers
Senator David Pryor
May 20, 1993
Page 3

Washington, D.C. offices of either Hopkins & Sutter or Nixon & Hargraves. In the various appellate briefs FSLIC and the RTC filed in our frequent trips to the Eighth Circuit, they often listed the names of no less than seven attorneys affiliated with four different firms or agencies as their attorneys of record. Notwithstanding the narrow nature of their collateral attack on my final and fully satisfied state court judgment, the RTC's attorneys managed to generate a blizzard of pleadings, motions, and appellate briefs that now almost fill a four-drawer filing cabinet in my lawyer's office.

My attorneys' fees and expenses associated with defending against the RTC's attack now total over \$250,000. It simply boggles the mind to consider what the RTC must have paid its "teams" of attorneys who have represented it in this matter. Surely, those fees exceed \$500,000.

During the first year of this litigation, my lawyer realized that, for both sides, the cost of pursuing and defending this matter could easily exceed the \$353,000 that was at issue. Although he repeatedly urged the RTC's attorneys to consider a settlement, they refused even to discuss that subject with him.

On July 19, 1991, Judge Reasoner ruled that the Arkansas Court of Appeals' October 25, 1989 Mandate : dismissing the RTC's appeal of my final, fully satisfied state court judgment was entitled to res judicata effect and that the RTC could not collaterally attack that judgment in federal district court. On July 30, 1992, the Eighth Circuit reversed that ruling and remanded the case to Judge Reasoner for development of the facts surrounding the RTC's claims that my judgment should be vacated. Ward v. RTC, supra. Thus, after years of incredibly expensive litigation, I found myself back where the case began when it was originally removed to federal district court on March 10, 1989.

Senator Dale Bumpers
Senator David Pryor
May 20, 1993
Page 4

Although I was confident that the RTC would not be able to vacate my judgment, my attorney reminded me that, even if we again won before Judge Reasoner, the RTC would appeal that decision to the Eighth Circuit and the United States Supreme Court. Thus, by the time this litigation was finally concluded in my favor, I would have expended not only what little still remained of my \$353,000 judgment, but also a substantial amount of additional money. My attorney recommended that we try once again to settle the case, and I reluctantly agreed.

Having been paid hundreds of thousands of dollars pursuing this matter over the last four years, the RTC's attorneys finally agreed to recommend a settlement in which I was required to pay the RTC a portion of my \$353,000 state court judgment. On April 30, 1993, the RTC formally entered into that settlement and the pending federal litigation was dismissed with prejudice. The amount of the payment I was required to make under the settlement agreement, combined with the attorneys' fees I previously had incurred, placed me in the position of having expended the full amount of my \$353,000 judgment just to defend myself and to put an end to this litigation.

It is simply outrageous for the RTC to use the unlimited tax funds at its disposal to grind down an innocent third party who was awarded a judgment against a now insolvent Savings and Loan Association after a full jury trial. The end result of such mindless litigation is that: (a) the RTC spends far more on attorney fees and expenses than the total amount it stands to recover--even if it wins; (b) private citizens are forced to fight a war of attrition with their own government that they cannot possibly win; and (c) the legions of outside lawyers who represent the RTC in those cases laugh all the way to the bank.

Senator Dale Bumpers
Senator David Pryor
May 20, 1993
Page 5

During the last year, Forbes Magazine featured a lengthy article on the RTC's pursuit of frivolous claims against innocent outside directors of insolvent savings and loan institutions who have been forced into bankruptcy or deep debt defending themselves. Additionally, there have been several recent articles in the Wall Street Journal that have detailed the outrageous billing practices of many of the law firms who have performed work for the RTC. In short, I believe there is clear evidence that the RTC has violated the public trust in managing the so-called savings and loan bailout.

I respectfully urge both of you to request that the appropriate Senate committee conduct an immediate investigation into the RTC's conduct in managing and supervising the savings and loan bailout. Such an investigation will allow both Congress and the nation to see how the RTC has squandered millions of taxpayer dollars pursuing meritless litigations and, in the process, ruined the lives of many Americans. As part of that investigation, those of us who have experienced first hand the RTC's gross abuse of power and misuse of our tax dollars should be allowed to be heard. Finally, I also urge both of you to oppose the appropriation of any additional funds for the RTC until that agency demonstrates that it is capable of making rational decisions and expending tax dollars wisely.

Sincerely,



Seth Ward

THE WHITE HOUSE
WASHINGTON

027916 CU
FG-479

September 20, 1993

Dear Senator Bumpers:

Thank you for your letter concerning the Resolution Trust Corporation's ("RTC's") litigation policies on professional liability suits. You have raised important issues that need to be addressed by the Chief Executive Officer ("CEO") of the RTC.

I understand that Roger Altman, in his capacity as interim CEO of the RTC, will be responding directly to you.

Please let me know if I can be of further assistance.

Sincerely,

Bernard W. Nussbaum
Counsel to the President

The Honorable Dale Bumpers
Chairman
Committee on Small Business
428A Russell Senate Office Building
Washington, D.C. 20510

cc: Roger C. Altman

THE WHITE HOUSE
WASHINGTON

Dear Cheryl,

Attached is the
Bumpers - RTC letters.

The author, Dan Cooke,
can be reached at
622-1926.

Carlos

The Honorable Dale Bumpers
Chairman
Committee on Small Business
428A Russell Senate Office Building
Washington, DC 20510

Dear Senator Bumpers:

Thank you for your letter concerning the Resolution Trust Corporation's ("RTC's") litigation policies on professional liability suits. You have raised important issues that need to be addressed by the Chief Executive Officer ("CEO") of the RTC.

I understand that Roger Altman, in his capacity as interim CEO of the RTC, will be responding directly to you.

Please let me know if I can be of further assistance.

Sincerely,

Bernard Nussbaum
Counsel to the President

cc: Roger C. Altman

FAX TRANSMITTAL



Office of the General Counsel
DEPARTMENT OF THE TREASURY
1500 Pennsylvania Ave., N.W., Room 3000
Washington, DC 20220
Telephone: (202) 622-0287
FAX: (202) 622-2882

FROM: Don Cooke

DATE: 8/18/93

PAGES TO FOLLOW: 4

TO: CARLOS WATSON

SUBJECT: Bumpers Response 62B-1926

Addressee FAX No.: 456-1647 Confirmation No.: _____

Tel. 456-1672

Notes and Special Instructions:

to: Carlos Watson

room: WH date: 8/18/93

Department
of the Treasury

Departmental
Offices

Office of the
General Counsel

Carlos:

One Treasury signature can take quite a while. Sorry! Enclosed please find the signed letter from Mr. Altman to Senator Bumpers as well as a proposed response for Mr. Nussbaum to send to Senator Bumpers.

I apologize for the delay in getting this to you. It took a while to get the Altman letter approved here at Treasury. Please let me know if there is anything I can do to help you.

Sincerely,

Dan Cooke
622-1926

room
phone



RESOLUTION TRUST CORPORATION

Resolving The Crisis
Restoring The Confidence

August 18, 1993

BY HAND

The Honorable Dale Bumpers
Chairman
Committee on Small Business
428A Russell Senate Office Building
Washington, DC 20510

Dear Dale,

Way back in fourth or fifth grade, I sometimes told my teacher that the family dog ate my homework. It wasn't a particularly effective response, but I always figured that it was better than nothing.

Well, the RTC dog apparently ate your letter of several months ago on the agency's standards for pursuing professional liability claims against directors and on its general litigation policies. Unfortunately, it just now came to my attention that you did not get a response, and I apologize. That should never happen.

I share your opinion that the RTC needs to review its policies on the initiation and pursuit of professional liability litigation. The Secretary of the Treasury, in his capacity as Chairman of the Thrift Depositor Protection Oversight Board, has committed to review and recommend improvements in the organization and staffing of the Professional Liability Section of the RTC as part of his nine-point plan for the agency. I believe a feature of that review process should include consideration of the standards used by the Legal Division to determine when to pursue liability claims against directors specifically and the extent to which litigation should be initiated and pursued generally. Stanley Tate, our nominee for RTC CEO, also feels strongly in these directions.

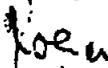
If he is confirmed by the Senate, he will pursue this matter vigorously. As you are no doubt aware, the negligence standard

- 2 -

has become an issue in the RTC funding bill. We obviously need to wait and see how the bill addresses this issue, but I do not believe we should wait for the bill to strengthen the policy used to initiate and pursue all claims.

The RTC is currently completing the first stage of this review and is collecting information relating to this issue from its own records, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision in response to a request from Representative Henry B. Gonzalez. I will keep you informed as this matter develops. Again, please accept my apologies for the delayed response.

Sincerely,



Roger C. Altman
Interim Chief Executive Officer

057061

FEO10-01

~~FR~~
FW

THE WHITE HOUSE
WASHINGTON

COPY
from ORM

March 7, 1994

MEMORANDUM FOR ALL WHITE HOUSE OFFICE STAFF

FROM: Mack McLarty
Chief of Staff

Mack McLarty

SUBJECT: Compliance with Grand Jury Subpoena

Attached is a memorandum from Joel Klein, Deputy Counsel to the President, specifying procedures to be taken by all staff to comply with the grand jury subpoena for documents issued by the Office of the Special Counsel. It is imperative that all staff read this memorandum thoroughly to understand the scope of the request. Moreover, all staff must search their trash, burn bags, electronic files and other records and files immediately, so that we can provide the grand jury with all responsive documents by Thursday, March 10 at 10 a.m., as the subpoena requires. As you all are aware, the grand jury subpoena creates a legal obligation to produce any responsive documents.

To coordinate compliance, each designated department representative must collect signed statements of compliance and all possibly responsive documents from his or her staff members, and provide these to the designated liaison from the Counsel's Office no later than 8 p.m. today. Each staff member's documents should be submitted to the department representative in an envelope with the staff member's signature clearly visible. Should any staff member have any concerns or questions about the scope of the request or any other related matter, he or she should contact the appropriate liaison from the Counsel's Office. Attached to this memorandum is a list of all White House departments with designated representatives as well as liaisons from the Counsel's Office.

Counsel Liaison Telephone and Room Numbers:

Chris Cerf	6-7180	190	OEOB
Vicki Divoll	6-7181	190	OEOB
Marvin Krislov	6-7903	126	OEOB
Cheryl Mills	6-7900	128	OEOB

<u>Office</u>	<u>Office Representative</u>	<u>Counsel Liaison</u>
Cabinet Affairs	Christine Varney	Marvin Krislov
Chief of Staff	Thomas McLarty	Cheryl Mills
Communications	Rahm Emmanuel	Cheryl Mills
Counsel's Office	Kathleen Whalen	Marvin Krislov
Domestic Policy	Carol Rasco	Chris Cerf
Envir. Policy	Katie McGuinty	Chris Cerf
First Lady Off.	Melanne Verveer	Cheryl Mills
Intergov. Aff.	Marcia Hale	Vicki Divoll
Legislative Aff.	Pat Griffin	Vicki Divoll
Man. & Admin.	David Watkins	Chris Cerf
Nat. Econ. Pol.	Bob Rubin	Chris Cerf
Office of Pres.	George Stephanopolous	Cheryl Mills
Political Aff.	Joan Baggett	Vicki Divoll
Pres. Personnel	Veronica Biggins	Vicki Divoll
Public Liaison	Alexis Herman	Vicki Divoll
Scheduling/Adv.	Ricki Seidman	Chris Cerf
Social Secretary	Ann Stock	Marvin Krislov
Staff Secretary	John Podesta	Chris Cerf

THE WHITE HOUSE

WASHINGTON

March 7, 1994

MEMORANDUM FOR ALL WHITE HOUSE OFFICE STAFF

FROM: JOEL I. KLEIN
DEPUTY COUNSEL TO THE PRESIDENT

RE: GRAND JURY SUBPOENA FOR DOCUMENTS

As my memorandum of March 4 explained, the White House has received a grand jury subpoena requesting the production of documents. Attached please find a copy of that memorandum detailing the subpoena's requirements, which you should study carefully and refer to when reviewing all your documents and communications.

The subpoena calls for the documents to be produced no later than 10 a.m. Thursday, March 10, 1994. To respond to this deadline, absolutely all members of the White House Office staff immediately must search their files and all applicable documents and records (as defined in the subpoena and set forth in the March 4 memorandum at Paragraphs A and B and the accompanying Definitions section).

To coordinate compliance, we have designated a representative from all White House departments to be responsible for ensuring that all his or her employees have complied fully with the subpoena. These department representatives must collect a signed statement from each staff member certifying compliance with the subpoena, as well as provide any and all possibly responsive documents and communications from all staff members. Staff members should provide department representatives with all responsive documents in appropriate envelopes or folders with their signature clearly visible. These materials should be given by department representatives to the designated liaison from the Counsel's Office no later than 8 p.m. today. A complete list of White House department representatives, as well as a list of the liaisons from the Counsel's Office by White House department, is attached to the Chief of Staff's memorandum.

Each staff member must take personal responsibility for complying with this subpoena in full. If a staff member has questions about the scope of the request or any other matters, he or she should contact his or her liaison from the Counsel's Office.

I. PROCEDURES FOR REVIEWING FILES

In order to ensure that each staff member conducts a complete search of his or her files, the following procedures are established:

1. Trash Containers and Wastebaskets. Each staff member must search his or her office wastebasket or trash containers and retrieve any applicable documents, files or records no later than 2 p.m. today. Each agency or department representative must confirm that each staff member has searched his or her trash containers no later than 4 p.m. today. If a staff member is absent from the office today for any reason, the agency or department representative must confirm that the absent staff member's trash has been searched and any potentially responsive documents removed and preserved. The time found and the location, including room number, of any such documents should be noted and the documents should be provided to the appropriate liaison from the Counsel's Office no later than 8 p.m. today.

2. Burn Bags. All burn bags in White House offices must be searched no later than 2 p.m. today, and any potentially responsive documents must be removed and preserved. Each agency, or department representative is responsible for ensuring that all burn bags in his or her department are searched and that all possibly responsive documents are removed and preserved. Any such responsive document(s) should be provided to the author and/or recipient, if apparent, who in turn should note the location of any such document(s) and provide them to the Counsel's Office as discussed below. If it is unclear as to the identity of the author and/or recipient, the staff member locating the document(s) should note the time found and location of any such documents. These documents should be provided to the appropriate liaison from the Counsel's Office no later than 8 p.m. today.

3. Electronic Mail. Each White House staff member should search his or her electronic mail files by 2:00 p.m. today to determine if there are any communications possibly responsive to the subpoena that were either received, sent by, or forwarded to the staff member. Any such communications, including any attachments, should be printed out immediately, and provided to the appropriate liaison from the Counsel's Office no later than 8 p.m. today.

4. Records and Files. Each White House staff member must ascertain whether his or her records and documents contain any possibly responsive documents (as defined in the subpoena and set forth in the March 4 memorandum at paragraphs A and B and in the Definitions section). Please consult the Definitions Section carefully. Note that the Definitions of documents includes, among other types of documents or communications, diaries,

calendars, notes, summaries or records of conversations, meetings, interviews or conversations, as well as documents that may refer only in part to the subjects set forth in Paragraphs A and B, or may refer to the preparation of other documents relevant to the subjects set forth in Paragraphs A and B. The definition of documents also includes earlier, preliminary drafts of documents. Also note that any original documents in a staff member's file should be provided, as well as any copies. Should a staff member wish to make an additional copy of a document for current use, he or she may do so but should notify the appropriate liaison from the Counsel's Office. See further instructions, below.

If, for any reason, you object to providing a possibly responsive document or communication, you must notify your liaison from the Counsel's Office of the type of document or communication no later than 8 p.m. today.

II. RESPONSIVE DOCUMENTS

If your search reveals possibly responsive documents or communications, please note that the subpoena specifies the following instructions:

1. If any original document cannot be produced in full, you must produce such document to the extent possible and indicate specifically the reason for your inability to produce the remainder.

2. Documents shall be produced as they are kept in the usual course of business, as organized in the files.

3. File folders, labels and indices identifying documents called for shall be produced intact with such documents. Documents attached to each other should not be separated.

4. The originals of all documents and communications must be produced, as well as copies within your possession, custody or control.

5. In the event that any document called for by this subpoena has been lost, destroyed, deleted, altered or otherwise disposed of, you should identify that document in writing as follows: a) author; b) position and title of the author; c) addressee; d) the position or title of the addressee; e) indicated or blind copies; f) date; g) brief description of the subject matter of the document; h) number of pages; i) attachments or appendices; j) all persons to whom the document, its contents, or any portion thereof, had been disclosed, distributed, shown or explained; k) the date of the loss, destruction, deletion, alteration or disposal and the circumstances thereof; l) the reasons, if any, for the loss,

destruction, deletion, alteration or disposal and the person or persons responsible.

6. If any information or data is withheld because such information or data is stored electronically, it is to be identified by the subject matter of the information or data and the place or places where such information is maintained.

III. COMPLIANCE RESPONSIBILITIES AND SIGNED STATEMENTS

If you have any doubts whatsoever about the responsiveness of any document or record, it is your obligation to notify your liaison from the Counsel's Office.

Each department representative must determine if any staff member's absence from the office will not enable that staff member to comply with these deadlines. In such instances, each department representative should notify your liaison from the Counsel's Office to discuss appropriate procedures.

In addition to providing the original(s) and any copies of any and all possibly responsive documents, each White House staff member must return to your designated agency or department representative a signed original of the statement found on the next page no later than 8 p.m. today. This signed statement should accompany any possibly responsive documents or communications that you have identified. -

Additionally, those department representatives must also provide a signed statement certifying that they have canvassed their staff members and ensured compliance.

Please note that we assume that this subpoena imposes a continuing obligation to provide responsive documents to the grand jury. Should you create, receive, or discover any possibly responsive documents at any time in the future, you should notify your Counsel liaison immediately.

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) _____
2. My burn bag(s) _____
3. My electronic files _____
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) _____

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed:

Dated:

Statement for All White House Department Representatives

I hereby certify that I have canvassed all staff members in my agency/department (choose one) and have provided their signed statements as requested by the White House Counsel's Office. I further certify that I have received and provided any possibly responsive documents and communications (as defined in Paragraphs A and B of the subpoena, and the accompanying Definitions Section), including, but not limited to, those documents found in trash bags, burn bags, electronic files, and staff files and records.

Signed:

Dated:

THE WHITE HOUSE
WASHINGTON

March 7, 1994

MEMORANDUM FOR ALL WHITE HOUSE OFFICE AND
EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM: JOEL I. KLEIN *JK*
Deputy Counsel to the President

SUBJECT: Retention of Documents and Communications

Today we have requested that White House Office employees produce any documents or communications related to contacts between White House staff members and officials of the Department of the Treasury and the Resolution Trust Corporation.

We are aware that staff may have other documents or communications relating to Madison Guaranty, Whitewater Development Corporation, and any related matters. While any such documents or communications need not be produced at this time, staff members should take all necessary measures to preserve and maintain any such documents. Such documents should not, under any circumstances, be discarded, altered or destroyed. Additionally, all staff members should not remove or transport documents or communications related to any of these matters from their offices in the EOP or White House complex.

Should any staff member have questions about these procedures, please contact one of the following liaisons in the Office of White House Counsel:

Chris Cerf	6-7180	190	OEOB
Vicki Divoll	6-7181	190	OEOB
Marvin Krislov	6-7903	126	OEOB
Cheryl Mills	6-7900	128	OEOB

March 4, 1994

MEMORANDUM FOR THE WHITE HOUSE STAFF

**FROM: JOEL I. KLEIN
DEPUTY COUNSEL TO THE PRESIDENT**

RE: GRAND JURY SUBPOENA FOR DOCUMENTS

The White House has received a grand jury subpoena calling for the production of documents. The description of the documents called for reads as follows:

A. Any and all documents and/or communications referring or relating to any contacts, meetings or conversations about or regarding Madison Guaranty Savings & Loan, its subsidiaries or affiliates, held between or among (1) any member of the White House staff and (2) any official or employee of the Department of the Treasury or the Resolution Trust Corporation. This includes, but is not limited to any documents and/or communications:

- 1. referring or relating to the arrangement, existence, substance or circumstances of any such meetings or conversations;**
- 2. discussed or referred to in any such meetings or conversations;**
- 3. exchanged between any member of the White House staff and any official or employee of the Department of Treasury or the Resolution Trust Corporation at or in connection with any such meetings or conversations;**
- 4. constituting notes taken at or referring to any such meetings or conversations;**
- 5. summarizing, documenting or referring to all or any part of any such meetings or conversations.**

B. Any and all documents and/or communications referring or relating to any criminal referrals made by the Resolution Trust Corporation about or regarding Madison Guaranty Savings & Loan, its subsidiaries or affiliates.

Definitions and Instructions

1. Definitions

a. The term "document" or "documents" as used in this subpoena means all records of any nature whatsoever within your possession, custody or control or the possession, custody or control of any agent, employee, representative, or other person acting or purporting to act for or on your behalf or in concert with you, including but not limited to memoranda, records, reports, notes, books, files, summaries or records of conversations, meetings or interviews, summaries or records of telephone conversations, diaries, calendars, datebooks, telegrams, facsimiles, telexes, telefaxes, electronic mail, computerized records stored in the form of magnetic or electronic coding on computer media or on media capable of being read by computer or with the aid of computer related equipment, including but not limited to floppy disks or diskettes, disks, diskettes, disk packs, fixed hard drives, removable hard disk cartridges, mainframe computers, Bernoulli boxes, optical disks, WORM disks, magneto/optical disks, floptical disks, magnetic tape, tapes, laser disks, video cassettes, CD-ROMs and any other media capable of storing magnetic coding, microfilm, microfiche and other storage devices, voicemail recordings, and all other written, printed or recorded or photographic matter or sound reproductions, however produced or reproduced.

The term "document" or "documents" also includes any earlier, preliminary, preparatory or tentative version of all or part of a document, whether or not such draft was superseded by a later draft and whether or not the terms of the draft are the same as or different from the terms of the final document.

b. The term "communication" or "communications" is used herein in its broadest sense to encompass any transmission or exchange of information, ideas, facts, data, proposals, or any other matter, whether between individuals or between or among the members of a group, whether face-to-face, by telephone or by means of electronic or other medium.

c. "Possession, custody or control" means in your physical possession and/or if you have the right to secure or compel the production of the document or a copy from another person or entity having physical possession.

d. The term "referring or relating" to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject including, but not limited to, documents concerning the preparation of other documents.

Anyone who has any documents that fall within the foregoing description must retain those documents. You must also retrieve and retain any responsive documents in your wastepaper basket and your burn bag.

If you have any doubt about whether a particular document is called for by the above description, you must save it.

We will be back in touch with you next week to organize procedures for the collection of all relevant documents.

The destruction of documents after receipt of this subpoena may constitute obstruction of justice.

If you have any questions about this memorandum and what is expected of you, please contact Deputy Counsel to the President, Joel I. Klein (6-6611).

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March 4, 1994

At approximately 7:00 p.m. today, the FBI on behalf of the Special Counsel served a grand jury subpoena on the White House for the production of documents concerning conversations between the White House and the Department of Treasury or Resolution Trust Corporation with regard to the Madison Guaranty matter. In addition, several individuals in the White House received subpoenas requiring testimony. The White House will comply fully and promptly with the subpoena. The Deputy Counsel has tonight issued a memorandum to all employees requiring the preservation of all documents. Because these subpoenas concern a pending investigation, the White House will have no further comment at this time.

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057061
FED10-01

March 7, 1994

MEMORANDUM FOR JOHN D. PODESTA

FROM: TERRY W. GOOD *TWG*

RE: COMPLIANCE WITH GRAND JURY SUBPOENA

To insure that the Office of Records Management and its staff are fully in compliance with the subpoena, Joel Klein's March 4 and 7 memos to the White House staff and Mack McLarty's March 7 memo to the White House staff, I have instructed my staff to search for and, if found, retain any documents relevant to the subpoena from among their trash containers, wastebaskets, burn bags, electronic mail, and records and files.

In addition, we are instituting a search of White House Office records in the custody of the Office of Records Management including those:

- 1) integrated into the ORM filing system
- 2) maintained separately for White House staff offices and individual staff.

1) The Office of Records Management filing system arranges records in two major categories, by subject and by name. We arrange and file those records and documents sent to us on a frequent basis in one or the other of these two systems. Thus, this system will contain records and documents from the President, the First Lady and their respective staffs. The subject file is computer indexed and is reserved for the more important documents and letters. The file containing records arranged by name of person or organization is essentially a file of generally more routine correspondence plus resumes. We will search in both of these systems for those subjects and names listed below looking for documents that are relevant to the subpoena.

2) The Office of Records Management receives in bulk quantities many records and files from staff offices and individual staff members. We maintain these files in the filing cartons as transferred to ORM, employing inventories furnished by the sending office/staff member for search purposes. We will search inventories of boxed files received from any of the White House staff listed below for citations to information relevant to the subpoena.

NAMES

Bernard Nussbaum
Bruce Lindsey
Harold Ickes
Mark Gearan
Margaret (Maggie) Williams
Lisa Caputo
Vincent Foster
William Kennedy

Roger Altman
Jean Hanson
Josh Steiner
Jack DeVore

Webb Hubbell

James B. McDougal

ORGANIZATIONS

Madison Guaranty Savings and Loan
Whitewater Development Company
Rose Law Firm
Resolution Trust Corporation
Department of the Treasury
Federal Bureau of Investigation
Department of Justice

CS

057061

REC-01

March 8, 1994

MEMORANDUM FOR JOHN D. PODESTA

FROM:

TERRY W. GOOD

TW Good

RE:

STAFF STATEMENTS OF OFFICE OF RECORDS MANAGEMENT

Yesterday, I forwarded to you the signed statements of all but three of the ORM staff. Those three members, who were on leave, are here today and have signed their statements which are attached.

Attachments:

Signed statements of:

Everett Houser

Wandra Simpson

Phyllis Tucker

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) _____
2. My burn bag(s) _____
3. My electronic files _____
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) _____

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: *Wanda E. Simpson*

Dated: *3-8-94*

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files N/A
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: *Everett Hoover*

Dated: *3/8/94*

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files ✓
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: *Phyllis Tucker*

Dated: 3/8/94

March 7, 1994

MEMORANDUM FOR JOHN D. PODESTA

FROM:

TERRY W. GOOD *TW Good*

RE:

STAFF STATEMENTS OF OFFICE OF RECORDS MANAGEMENT

The staff of the Office of Records Management has complied with Joel Klein's March 7 memo requesting that all White House staff search all sources within their possession, custody or control for records and documents relevant to the Grand Jury subpoena.

Only four members of this office have electronic files; Terry Good, Lee Johnson, Charles Nash and Phyllis Tucker.

Attached are the signed statements of those ORM staff members who were in attendance today. Each individual's last name is typed in the lower left side of their statement.

Three members were absent; Everett Houser, Wandra Simpson, and Phyllis Tucker.

MARCH 7, 1994

MEMORANDUM FOR JOHN D. PODESTA

FROM:

TERRY W. GOOD *TWG*

RE:

STAFF REQUESTS FOR FILES IN ORM CUSTODY

We have received one and anticipate other requests for the return of staff files in conjunction with the Grand Jury Subpoena.

Two options are available:

- 1) Return the requested material with a cover memorandum explaining that these documents may be relevant to the subpoena.
- 2) Refuse to allow the materials to leave ORM custody, setting up an area where the files can be reviewed and copied in response to the subpoena.

May I have your guidance on which option to follow?

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files ✓
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed:

Frances Campbell

Dated:

3/7/94

Campbell

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files ✓
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: *Julia d. Diaz*

Dated: 3-7-94

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) _____
2. My burn bag(s) _____
3. My electronic files _____
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) _____

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed:



Dated:

3-7-94

Droege

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) X
2. My burn bag(s) X
3. My electronic files X
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) X

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: *Madalene G.W. Jones*

Dated: *March 7, 1994*

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) Y
2. My burn bag(s) Y
3. My electronic files X
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) X

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed:

Nanda M. Evans

Dated:

3/7/94

Evans

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s)
2. My burn bag(s)
3. My electronic files
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena)

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: *Evelene H. Fisher*

Dated: *3/7/94*

Fisher

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files N/A
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: Kanya B. [Signature]

Dated: 3-7-94

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files ✓
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed:

Terry W Good

OFFICE OF
RECORDS MANAGEMENT

Dated:

March 7, 1994

Good

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files ✓
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: *Willie C. Howell*

Dated: 3-7-94

Howell

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s)
2. My burn bag(s)
3. My electronic files
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena)

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed:

Theoderic C. James Jr.

Dated:

March 7, 1994

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files ✓
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed:



LEE R.
JOHNSON

Dated:

3/7/94

Johnson

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s)
2. My burn bag(s)
3. My electronic files
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena)

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed:

Crystal B. Jones

Dated:

3/7/94

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files ✓
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed:

Deborah Jones

Dated:

Mar 7, 1994

Jones

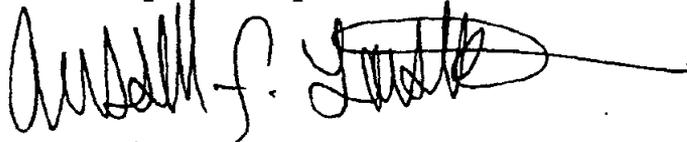
Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files ✓
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed:



Dated:

3/7/94

Loiselle

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files ✓
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed:

W. B. Nash

Dated:

3/7/94

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

- 1. My trash container(s) or wastebasket(s) ✓
- 2. My burn bag(s) ✓
- 3. My electronic files N/A
- 4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: *Randy T. Nelson*

Dated: *3/7/94*

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files N/A
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: 

Dated: 3-7-94.

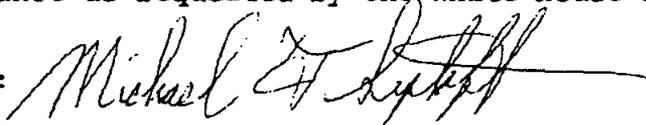
Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) None
2. My burn bag(s) None
3. My electronic files N/A
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) None

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed:



Dated:

3/7/94

Sept off

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files ✓
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓
NA

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: *Cynthia L. Shourds*

Dated: *Mar. 7, 1994*

Shourds

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

- 1. My trash container(s) or wastebasket(s) ✓ NO MATERIAL
- 2. My burn bag(s) ✓ NO MATERIAL
- 3. My electronic files ✓ NO MATERIAL
- 4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓ NO MATERIAL

I have no personal files
I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: *Hugh Thomas Taggart Jr.*

Dated: *3/7/94*

Taggart

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files ✓
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: *Shirley Williams*

Dated: *3-7-94*

Williams

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

- 1. My trash container(s) or wastebasket(s)
- 2. My burn bag(s)
- 3. My electronic files N/A
- 4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena)

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: *Sherman Williams*

Dated: *3/7/94*

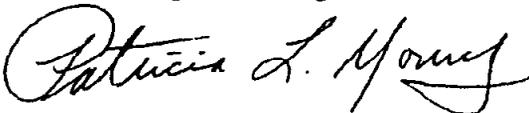
Williams

Statement for All White House Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all responsive documents from the following sources within my possession, custody or control:

1. My trash container(s) or wastebasket(s) ✓
2. My burn bag(s) ✓
3. My electronic files ✓
4. My files, records and other documents (as set forth in the Definitions Section of the grand jury subpoena) ✓

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified and are responsive to the grand jury subpoena. I further certify that I have provided all documents or communications responsive to the grand jury subpoena for White House documents (as set forth in Paragraphs A and B) for compliance as requested by the White House Counsel's Office.

Signed: 

Dated: 3/7/94

EF

057061
FEO10-01

November 4, 1994

MEMORANDUM FOR THE RECORD

FROM:

TERRY GOOD

Good

RE:

ORM MATERIAL RELATING TO THE SUBPOENA OF WHITE HOUSE FILES RELEVANT TO CONVERSATIONS BETWEEN THE WHITE HOUSE, THE DEPARTMENT OF THE TREASURY AND THE RESOLUTION TRUST CORPORATION WITH REGARD TO THE MADISON GUARANTY MATTER.

This material was collected in the course of responding to this subpoena. There is no order to it.

The material in the second folder was collected but, upon review by ORM staff, considered non-responsive to the subpoena. Only two documents were provided.

THE WHITE HOUSE
WASHINGTON

112362

JL

~~CONFIDENTIAL~~

~~C.F.~~

May 2, 1995

COPY
from ORM

MEMORANDUM FOR GEORGE STEPHANOPOULOS

FROM: JANE C. SHERBURNE
SPECIAL COUNSEL TO THE PRESIDENT

DAVID B. FEIN
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Request for Information

The Independent Counsel has asked that we locate a limited number of additional White House records that may assist them in completing their review of so-called White House-Treasury contacts.

Accordingly, please provide any White House records created after March 4, 1994 that:

- a) describe your participation in or witness to communications that occurred on or before March 4, 1994 between White House officials and officials of the Department of the Treasury or the Resolution Trust Corporation about or regarding Madison Guaranty Savings & Loan, its subsidiaries or affiliates; or
- b) reflect communications after March 4, 1994 between you or any other White House official and officials of the Department of the Treasury or the Resolution Trust Corporation directly about the criminal referrals or the pursuit of civil claims by the Resolution Trust Corporation regarding Madison Guaranty Savings & Loan, its subsidiaries or affiliates.

We are, of course, aware that you may have provided documents to the Counsel's Office in March 1994 on this general subject. In the event you identify documents created before March 4, 1994 that fit the description in section (a), which have not already been provided to the Counsel's Office in response to the March 1994 subpoena, please provide them at this time.

~~C.F.~~

DETERMINED TO BE AN ADMINISTRATIVE
MARKING Per E.O. 12958 as amended, Sec. 3.2 (c)

Initials: JB Date: 7/8/08
2006-0320-F

Please provide all responsive documents in your possession, custody or control or the possession, custody or control of your secretary, assistant or other person acting on your behalf. The White House Counsel's Office will work with you or your counsel to make necessary determinations regarding any applicable privileges and conditions for disclosure of information.

You may exclude from this request, if they are not annotated, the following items:

- press clippings
- transcripts of press conferences or other media appearances
- transcripts of your own Inspector General or Senate depositions
- copies of public statements or letters
- copies of the Office of Government Ethics or other publicly available reports
- copies of correspondence with Congress regarding scheduling or other administrative matters

After you have completed your review, please sign the statement at the bottom of this memorandum and return it to David Fein, along with any responsive documents. In addition, please let David Fein know if you may have sent any responsive materials to the Office of Records Management. We would appreciate receiving your response by Monday, May 8. Please call Jane Sherburne (456-5116) or David Fein (456-6219) if this response date is not feasible or if you have any questions about this request. Thank you for your cooperation.

* * * *

STATEMENT

To the best of my knowledge and ability, I have searched the files, records, and other documents (including my electronic files) in my possession, custody, or control in accordance with the instructions in this memorandum and have provided any responsive documents to the White House Counsel's Office.

G. F. Signed: George R. S. J. J. L.
Dated: 15 May 1995

THE WHITE HOUSE
WASHINGTON

October 23, 1995

MEMORANDUM FOR ALL STAFF OF THE WHITE HOUSE OFFICE,
OFFICE OF THE VICE PRESIDENT AND
EXECUTIVE RESIDENCE

FROM: JANE C. SHERBURNE *JCS*
SPECIAL COUNSEL TO THE PRESIDENT

DAVID B. FEIN *DBF*
ASSOCIATE COUNSEL TO THE PRESIDENT

RE: Document Request from the Senate Special Committee

The Senate Special Committee to Investigate Whitewater has requested certain additional White House records in connection with its work. Accordingly, please review your records ("memoranda, correspondence, notes, and records in any other medium, including drafts of any of the foregoing"), as well as your computer files, and retrieve documents **dated or prepared as of March 4, 1994** (even if you came into possession of such documents on or after March 4, 1994) that reflect, refer or relate to:

1. "the operations, solvency, and regulation of Madison Guaranty Savings & Loan Association ("Madison"), and any subsidiary, affiliate, or other entity owned or controlled by Madison;
2. "the activities, investments, and tax liability of Whitewater Development Corporation ("Whitewater") and, as related to Whitewater, of its officers, directors, and shareholders;
3. "the Rose Law Firm's representation of Madison or its representation of the RTC with regard to Madison;
4. "the handling by the RTC, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the Federal Savings and Loan Insurance Corporation of civil or administrative actions against parties regarding Madison;

5. "the sources of funding and lending practices of Capital Management Services, Inc., and its supervision and regulation by the Small Business Administration, including any alleged diversion of funds to Whitewater;
6. "the bond underwriting contracts between ADFA and Lasater & Company; and
7. "the lending activities of Perry County Bank, Perryville, Arkansas, in connection with the 1990 Arkansas gubernatorial election."

Please provide any records that fall within the categories described above to Associate Counsel David Fein (OEOP Room 128) by Wednesday, October 25, 1995. If you have sent records that may contain responsive material to the Office of Records Management, please let us know and we will ask ORM to search the material. If you believe you have responsive material but are unable to retrieve it by October 25, or if you have any questions about this request, please contact Jane Sherburne (6-5116) or David Fein (6-6219).

Staff members from the following offices within the White House Office may disregard this request:

Cabinet Affairs
Correspondence
Fellowships
Management and Administration
National AIDS Policy
Office of Policy Development
Political Affairs
Presidential Personnel
Public Liaison
Scheduling and Advance
Usher's Office

Thank you again for your cooperation.

THE WHITE HOUSE

WASHINGTON

October 4, 1995

MEMORANDUM FOR ALL STAFF OF THE WHITE HOUSE OFFICE,
OFFICE OF THE VICE PRESIDENT, OFFICE
OF POLICY DEVELOPMENT AND EXECUTIVE
RESIDENCE

FROM: JANE C. SHERBURNE *JCS*
SPECIAL COUNSEL TO THE PRESIDENT

DAVID B. FEIN *DBF*
ASSOCIATE COUNSEL TO THE PRESIDENT

RE: Document Request from the Senate Special Committee

The Senate Special Committee to Investigate Whitewater is beginning preparations for additional hearings. The Committee has requested certain White House records in connection with its work. Accordingly, please review your records ("memoranda, correspondence, notes, and records in any other medium, including drafts of any of the foregoing"), as well as your computer files, and retrieve White House records prepared or dated between January 20, 1993 and August 5, 1994, that reflect, refer or relate to:

1. "information gathered, prepared or developed by any employee, consultant or agent of the Resolution Trust Corporation ("RTC") relating to Madison Guaranty Savings & Loan Association ("Madison") or Whitewater Development Company ("Whitewater");
2. "any actual or potential RTC criminal referral or civil action relating to Madison or Whitewater, including, but not limited to, any communication, contact or meeting relating to any actual or potential RTC criminal referral or civil action relating to Madison or Whitewater;
3. "the handling of criminal referrals by the Department of Justice relating to Madison or Whitewater;
4. "any RTC investigation relating to Madison or Whitewater;

5. "any communication, contact or meeting (including but not limited to, all records of telephone conversations or wire communications) between any present or former employee of the White House and any other person, including, but not limited to, the Department of the Treasury, the Office of Government Ethics ("OGE") or the RTC, relating to the report of the OGE to the Secretary of the Treasury, dated July 31, 1994 (the "OGE Report"), regarding White House Treasury contacts concerning the RTC's resolution of Madison, and related transcripts of depositions conducted by the Inspector General of the Department of the Treasury."
6. any communication, contact or meeting between the President, the First Lady, or any present member of the White House staff, or Lloyd Cutler, Neil Eggleston, Vincent Foster, Mark Gearan, Joel Klein, Bernard Nussbaum, John Podesta, or Cliff Sloan and any of the following individuals:

Lisa Aunspaugh	Dennie Beard	George Betts
Tom Butler	Paula Casey	Andrew Clark
Don Denton	John Flake	J.W. Fulbright
Eugene Harris	Bill Henley	David Henley
Jim Henley	Webster Hubbell	Marlin Jackson
Charles James	Jerry Jones	Dan Lasater
John Latham	James McDougal	Lorene McDougal
Susan McDougal	Wali Muhammed	Sheffield Nelson
Robert Palmer	Judy Peacock	Charles J. Peacock III
R.D. Randolph	Beverly Bassett Schaffer	
Mike Smith	Jim Guy Tucker	Chris Wade
Larry Wallace	Seth Ward	Betsey Wright
Greg Young		

any present or former employee of Frost & Co., and
any present or former employee of Maple Creek Farms

Roger Altman	Lee Ausen	April Breslaw
Karen Carmichael	Michael Caron	Albert Casey
Glion Curtis	James Dudine	Mark Gabrellian
Carl Gamble	Thomas Hinds	Richard Iorio
Russell Kaufman	Ellen Kulka	Jean Lewis
William Roelle	John Ryan	James Thompson
Andrew Tomback	Julie Yanda	

You do not need to provide any documents called for in this Memorandum that you already have produced to the Counsel's Office in response to prior requests. If you have sent records that may contain responsive material to the Office of Records Management, please let us know and we will ask ORM to search your material.

Please provide any records that fall within the categories described above to Associate Counsel David Fein (OEOB Room 128) no later than Tuesday, October 10, 1995. If you believe you have responsive material but are unable to retrieve it by October 10, or if you have any questions about this request, please contact Jane Sherburne (6-5116) or David Fein (6-6219).

Thank you for your cooperation.

THE WHITE HOUSE

WASHINGTON

October 6, 1995

MEMORANDUM FOR ALL STAFF OF THE WHITE HOUSE OFFICE,
OFFICE OF THE VICE PRESIDENT, OFFICE
OF POLICY DEVELOPMENT AND EXECUTIVE
RESIDENCE

FROM: JANE C. SHERBURNE
SPECIAL COUNSEL TO THE PRESIDENT

DAVID B. FEIN
ASSOCIATE COUNSEL TO THE PRESIDENT

RE: Clarification on Document Request from the Senate
Special Committee

In regard to our October 4, 1995 Memorandum, "Document Request from Senate Special Committee," we have clarifying information based on our continuing discussions with the Senate Special Committee.

1. The Committee has agreed to eliminate records from the following offices from its document request:

Cabinet Affairs
Correspondence
Fellowships
Management and Administration
National AIDS Policy
Office of Policy Development
Political Affairs
Presidential Personnel
Public Liaison
Scheduling and Advance
Usher's Office

Accordingly, if you work in one of the above listed offices, you do not need to search your files for documents responsive to the October 4, 1995 Memorandum.

2. The Committee has agreed to the following limitations on records maintained by White House staff in these offices:

Intergovernmental Affairs:

White House staff may limit their search for material responsive to the October 4 Memorandum to documents related to Governor Jim Guy Tucker.

Legislative Affairs:

White House staff who did not work on the 1994 Congressional hearings on Whitewater do not need to search for documents responsive to the October 4, 1995 Memorandum.

3. Request 6 of the October 4 Memorandum asks for records of communications between White House officials and some 56 different people, among them Roger Altman, Webster Hubbell and Betsey Wright. The Committee has agreed that records of communications, contacts or meetings between White House officials and Roger Altman, Webster Hubbell or Betsey Wright need be provided only if they relate to Whitewater or Madison Guaranty.

Please keep in mind that this request, and all requests in our October 4, 1995 Memorandum, call for **White House records prepared or dated between January 20, 1993 and August 5, 1994.** If you have any questions about this clarification or the original request, please contact Jane Sherburne (6-5116) or David Fein (6-6219).

Thank you for your cooperation.

THE WHITE HOUSE
WASHINGTON

September 14, 1995

COPY
from ORM
machine 33

MEMORANDUM FOR JANE C. SHERBURNE
SPECIAL COUNSEL TO THE PRESIDENT

DAVID B. FEIN
ASSOCIATE COUNSEL TO THE PRESIDENT

FROM:

TERRY W. GOOD *T. Good*
DIRECTOR
OFFICE OF RECORDS MANAGEMENT

RE:

REQUEST FOR INFORMATION REGARDING FACSIMILE
MESSAGES FROM ROGER ALTMAN

We have searched the documents in our custody and found the attached cases which may be relevant to your request. I am attaching a memorandum from William Roberts and Tom Taggart that explains in more detail the scope of our search and its results.

MEMORANDUM FOR TERRY GOOD, DIRECTOR OF RECORDS MANAGEMENT

DATE: SEPTEMBER 13, 1995

FROM: WILLIAM ROBERTS
TOM TAGGART JR. *HT*

SUBJECT: RESPONSE TO JANE SHERBURNE AND DAVID FEIN - SEPTEMBER 12, 1995 REQUEST FOR INFORMATION

PER THE INSTRUCTIONS OF LEE JOHNSON, WE HAVE SEARCHED THE OFFICE OF RECORDS MANAGEMENT FOR INFORMATION AND RECORDS REQUESTED IN COUNSEL'S MEMORANDUM. ALL NAMES AND ORGANIZATIONS WERE RESEARCHED AS LISTED ON ATTACHMENT A. IN ADDITION BERNARD NUSSBAUM'S BOXES AND ALL INFO CONCERNING ROGER ALTMAN WERE REVIEWED. THE SEARCH PARAMETERS ARE ATTACHED.

THERE ARE SOME ITEMS THAT SHOULD BE BROUGHT TO COUNSEL'S ATTENTION:

CASE # 027916CU CONTAINS FAXES AND OTHER MATERIAL FOR NUSSBAUM AND ALTMAN THAT FIT THE TIME FRAME AND SUBJECTS REFERRED TO IN THE MEMO. THIS CASE HAS BEEN SUBMITTED TO COUNSEL SEVERAL TIMES FOR VARIOUS SEARCHES. A COPY IS ATTACHED.

BERNARD NUSSBAUM'S CHRON FILES FOR MARCH AND SEPTEMBER 1993 ARE IN OA # 3509. THERE ARE SOME FAXES IN THESE TWO FOLDERS, BUT NONE ARE RELEVANT TO THE SEARCH. ALL LETTERS CONCERNING ROGER ALTMAN WERE COPIED AND ATTACHED.

IN OA # 3735 THERE IS A FILE LABELLED COUNSEL FUJI BANK INQUIRY 1994 - THAT CONCERNS THE ARKANSAS DEVELOPMENT FINANCE AUTHORITY TRANSFER OF MONEY TO THE CAYMAN ISLANDS IN 1988. THESE ARE FAXED COPIES, BUT I CAN NOT DETERMINE A DATE ON THE ORIGINAL MATERIAL THAT HAD BEEN SENT TO ROBERT FISKE BY CONGRESSMAN DAN BURTON AND SPEAKER GINGRICH. COPIES ARE ATTACHED.

THE WHITE HOUSE

WASHINGTON

September 12, 1995

MEMORANDUM FOR OFFICE OF RECORDS MANAGEMENT

FROM: JANE C. SHERBURNE *JCS*
SPECIAL COUNSEL TO THE PRESIDENT

DAVID B. FEIN *DBF*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Request for Information

In order to respond to a request from the House Banking Committee for certain White House records, please retrieve any White House documents in the possession, custody or control of the Office of Records Management that constitute:

"All documents relating to, referencing or reflecting facsimile messages transmitted from Roger Altman to Bernard Nussbaum in March and September of 1993 concerning any of the persons, subject or events set out in Attachment A hereto." *49 DOCS*

Please provide all responsive documents to David Fein. We would appreciate receiving your response by Thursday, September 14. Please call Jane Sherburne (456-5116) or David Fein (456-6219) if this response date is not feasible or if you have any questions about this request. Thank you for your cooperation.

ATTACHMENT A

- A. Madison Guaranty Savings & Loan Association
- B. Madison Bank & Trust ✓
- C. Madison Financial Corporation ✓
- D. Madison Marketing ✓
- E. Madison Real Estate
- F. Whitewater Development Company, Inc.
- G. Jim McDougal ✓
- H. Susan McDougal ✓
- I. Chris Wade ✓ n/r
- J. Jim Guy Tucker ✓
- K. Charles James ✓ n/r
- L. Dan Lasater ✓
- M. The Rose Law Firm ✓
- N. Beverley Bassett Shaffer ✓ 3 BB
- O. The Arkansas Securities Department ✓
- P. The Arkansas Development Finance Authority ✓
- Q. Paula Casey or the office of the United States Attorney in Little Rock ✓
- R. David Hale n/r
- S. Randy Coleman - 30 NA
- T. The Resolution Trust Corporation searched n/r
- U. Criminal referrals relating to Madison Guaranty ✓ n/r
- V. Congressional hearings on or investigations of any of the foregoing
- W. Executive branch or agency reviews or investigations of any of the foregoing n/r



September 1, 1995

C O P Y
from ORM

MEMORANDUM FOR JANE C. SHERBURNE
SPECIAL COUNSEL TO THE PRESIDENT

Machine 33

DAVID B. FEIN
ASSOCIATE COUNSEL TO THE PRESIDENT

FROM: TERRY W. GOOD: *TW Good*
DIRECTOR
OFFICE OF RECORDS MANAGEMENT

RE: REQUEST FOR INFORMATION

We have searched the files in our custody looking for documents that would reflect contacts between the White House and the Small Business Administration concerning Madison Guaranty or Capital-Management Services Corporation.

We found none.

In the course of our search, we reviewed individual documents, abstracts of others, and inventories of cartons of files.

THE WHITE HOUSE
WASHINGTON

August 30, 1995

MEMORANDUM FOR ALL STAFF OF THE WHITE HOUSE OFFICE,
OFFICE OF THE VICE PRESIDENT, OFFICE
OF POLICY DEVELOPMENT AND EXECUTIVE
RESIDENCE

FROM: JANE C. SHERBURNE 
SPECIAL COUNSEL TO THE PRESIDENT

DAVID B. FEIN
ASSOCIATE COUNSEL TO THE PRESIDENT

RE: Document Request from the House Banking Committee

The House Banking Committee has requested certain White House records. Accordingly, please provide the following:

All documents relating to, referencing or reflecting any contacts between the White House and the Small Business Administration concerning Madison Guaranty or Capital-Management Services Corporation. For purposes of this request, "the White House" means any United States Government personnel employed in or acting on behalf of the Executive Office of the President or any of its components or offices.

Please provide any records that fall within the category described above to Associate Counsel David Fein (OEOB Room 128) by Friday, September 1, 1995, or, if you are on vacation during the week of August 28, 1995, as soon as possible after you return.

If you have any questions about this request, please contact Jane Sherburne (6-5116) or David Fein (6-6219).

Thank you for your cooperation.

THE WHITE HOUSE
WASHINGTON

August 3, 1995

COPY
from ORM

MEMORANDUM FOR JANE C. SHERBURNE
SPECIAL COUNSEL TO THE PRESIDENT

Machine 33

DAVID B. FEIN
ASSOCIATE COUNSEL TO THE PRESIDENT

FROM: TERRY W. GOOD *TW Good*
DIRECTOR
OFFICE OF RECORDS MANAGEMENT

SUBJECT: REQUEST FOR INFORMATION

In response to your August 1 memoranda:

1. We have two boxes of telephone logs from the Counsel's Office which document, among others, calls made to William Kennedy. They span the dates in question, August 1, 1993 to November 30, 1993. One of these boxes was given to Cheryl Mills on June 15, 1995, and is still charged out to her. The other box accompanies this memorandum. We have received other boxes containing files from Mr. Kennedy's office. We will make these available to you, if requested. I am attaching computer printouts of all of these boxes.

2. a) There are a number of files in our custody that may relate to contacts between the White House and the Department of Justice concerning Madison Guaranty or Capital-Management Services Corporation. I am attaching these files or copies of them to this memorandum.

b) I am also attaching computer printouts of other files that, on the basis of our review, do not appear to be relevant to either #1 or #2 of your request. Of course, we will make them available to you, if requested. (We have highlighted the files we reviewed among the boxed documents.)

Let me add our usual disclaimer:

Documents that are sent to us on an individual basis are filed individually. Coupled with our filing techniques which are quite refined, particularly when processing the more important documents, we can search quickly and comprehensively from among these documents.

On the other hand, we receive large quantities of files in boxes from staff offices. We are dependent upon those offices to provide us with an inventory of the contents. It is that inventory upon which we rely when performing a search for information in those boxes. Our search can be no better than the inventory.

MEMORANDUM FOR TERRY GOOD, DIRECTOR OF RECORDS MANAGEMENT

DATE: AUGUST 1, 1995

FROM: WILLIAM ROBERTS
TOM TAGGART JR.

SUBJECT: AUGUST 1, 1995 REQUEST FOR INFORMATION FROM COUNSEL

WE HAVE SEARCHED THE OFFICE OF RECORDS MANAGEMENT FOR RELEVANT INFORMATION FOR JANE SHERBURNE AND DAVID FEIN FOR THE HOUSE WHITEWATER HEARINGS.

THERE ARE TWO BOXES OF WILLIAM KENNEDY PHONE LOGS THAT ARE COVERED BY THE SCOPE OF THE REQUEST. ONE BOX # CF 70 WAS CHARGED OUT TO CHERYL MILLS ON JUNE 15, 1995 FOR THE WACO/WEAVER REQUEST. THE OTHER BOX # CF 101 IS IN FILE.

WE HAVE RUN 3 SERIES OF PRINTOUTS FOR YOU AND THE ATTORNEY'S TO VIEW FOR DOCUMENTS THAT MAY NEED TO BE COPIED. THE FIRST PRINTOUT IS OF RELEVANT WHITEWATER/MADISON SUBJECT FILE CASES. THE SECOND PRINTOUT IS FOR ALL THE BOXES OF MATERIAL WE HAVE RECEIVED FROM WILLIAM KENNEDY. THE THIRD AND FINAL PRINTOUT IS FOR THE WHITE HOUSE STAFFERS AND WHITEWATER FOLDERS IN BOXES THAT MAY NEED TO BE VIEWED.

THE WHITE HOUSE
WASHINGTON

~~CONFIDENTIAL~~

COPY
from ORM

August 1, 1995

MEMORANDUM FOR OFFICE OF RECORDS MANAGEMENT

FROM: JANE C. SHERBURNE *JCS*
SPECIAL COUNSEL TO THE PRESIDENT
DAVID B. FEIN *DF*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Request for Information

In order to respond to a request from the House Banking Committee for certain White House records, please retrieve any White House documents in the possession, custody or control of the Office of Records Management that constitute:

1. "[T]elephone bills, telephone logs, telephone messages or message pads, electronic mail, and all facsimile machine records for, created by, sent or received by William Kennedy between August 1, 1993 and November 30, 1993 and that relate in any way to the persons, subjects or events set out in Attachment A hereto."
2. "[D]ocuments relating to, referencing or reflecting any contacts between the White House and the Department of Justice concerning Madison Guaranty or Capital-Management Services Corporation. For purposes of this request, (a) "the White House" means any United States Government personnel employed in or acting on behalf of the Executive Office of the President or any of its components or offices; and (b) "the Department of Justice" includes but is not limited to the Federal Bureau of Investigation and any United States Attorney's office."

Please provide all responsive documents to David Fein. We would appreciate receiving your response by 5 p.m. on Wednesday, August 2, 1995. Please call Jane Sherburne (456-5116) or David Fein (456-6219) if this response date is not feasible or if you have any questions about this request. Thank you for your cooperation.

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIALS: *DB* DATE: *7/8/08*
2006-0326-F1

ATTACHMENT A

- A. Madison Guaranty Savings & Loan Association
- B. Madison Bank & Trust
- C. Madison Financial Corporation
- D. Madison Marketing
- E. Madison Real Estate
- F. Whitewater Development Company, Inc.
- G. Jim McDougal
- H. Susan McDougal
- I. Chris Wade
- J. Jim Guy Tucker
- K. Charles James
- L. Dan Lasater
- M. The Rose Law Firm
- N. Beverley Bassett Shaffer
- O. The Arkansas Securities Department
- P. The Arkansas Development Finance Authority
- Q. Paula Casey or the office of the United States Attorney in Little Rock
- R. David Hale
- S. Randy Coleman
- T. The Resolution Trust Corporation
- U. Criminal referrals relating to Madison Guaranty
- V. Congressional hearings on or investigations of any of the foregoing
- W. Executive branch or agency reviews or investigations of any of the foregoing



COPY
from ORM
machine 33

MEMORANDUM FOR MIRIAM R. NEMETZ, COUNSEL'S OFFICE

FROM: TOM TAGGART, JR. *HTA*

DATE: JUNE 8, 1995

CC: TERRY GOOD, CHES JOHNSON

COPY

SUBJECT: JUNE 5, 1995 DOCUMENT AND SEARCH REQUEST

I HAVE SEARCHED THE RECORDS IN THE CUSTODY OF RECORDS MANAGEMENT FOR INFORMATION AS DESCRIBED IN YOUR MEMO, AND AS YOU ARE AWARE, HAVE DELIVERED ITEMS TO YOUR OFFICE OR TO CHES JOHNSON. THESE RECORDS AND LOGS ARE IN ADDITION TO THOSE PREVIOUSLY SUBMITTED FOR YOUR EARLIER REQUESTS.

I HAVE RECEIVED ONLY ONE INQUIRY ABOUT PHONE LOGS. THIS REQUEST WAS FROM LISA WETZL OF WHITE HOUSE SECURITY. I REFERRED HER TO YOU.

THE MATERIAL THAT WAS LOCATED AND PROVIDED IS INVENTORIED AS FOLLOWS:

CHIEF OF STAFF MCLARTY'S OFFICE:

- FROM OVERSIZE ATTACHMENT #1362 - 1 TELEPHONE MESSAGE PAD
- FROM OVERSIZE ATTACHMENT #2568 - 3 TELEPHONE MESSAGE PADS
- FROM OVERSIZE ATTACHMENT #2588 - 2 TELEPHONE MESSAGE PADS
- FROM OVERSIZE ATTACHMENT #4503 (MARK MIDDLETON) - COPY OF JULY 1993 PHONE LOGS FOLDER

VISITORS OFFICE - (MELINDA BATES, ROBYN DICKEY & STAFF):

- FROM OVERSIZE ATTACHMENT #1525 - 5 TELEPHONE MESSAGE PADS
- FROM OVERSIZE ATTACHMENT #2576 - 6 TELEPHONE MESSAGE PADS

WHITE HOUSE SECURITY OFFICE - (CRAIG LIVINGSTONE):

- FROM OVERSIZE ATTACHMENT #CF160 - 5 TELEPHONE MESSAGE PADS

FIRST LADY'S OFFICE - (MAGGIE WILLIAMS AND STAFF):

- FROM OVERSIZE ATTACHMENT #1340 - 11 TELEPHONE MESSAGE PADS

DAVID GERGEN'S OFFICE:

- FROM OVERSIZE ATTACHMENT # 1732 - COPIES OF LOOSE TELEPHONE LOGS; 1 BINDER OF TELEPHONE LOGS

HEALTH CARE POLICY - (CHRISTINE HEENAN):

- FROM OVERSIZE ATTACHMENT # 4620 - 4 TELEPHONE MESSAGE PADS

OFFICE OF PUBLIC LIAISON:

- (ALEXIS HERMAN) - FROM OVERSIZE ATTACHMENT #CF98 - 2 TELEPHONE MESSAGE PADS; FROM OVERSIZE ATTACHMENT #2645 1 BUNDLE OF JULY

93 PHONE LOGS; (DORIS MATSUI) FROM OVERSIZE ATTACHMENT #3890 - 1
TELEPHONE MESSAGE PAD

OFFICE OF NATIONAL SERVICE - (ELI SEGAL AND STAFF):
FROM OVERSIZE ATTACHMENT #1287 - 3 TELEPHONE MESSAGE PADS;
FROM OVERSIZE ATTACHMENT #1288 - 15 TELEPHONE MESSAGE PADS

THE WHITE HOUSE
WASHINGTON

June 5, 1995

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF

FROM: JANE C. SHERBURNE *JCS*
SPECIAL COUNSEL TO THE PRESIDENT

MIRIAM NEMETZ *MN*
ASSOCIATE COUNSEL TO THE PRESIDENT

RE: Document Request from the Senate

As you are aware, the newly created Senate Special Committee to Investigate Whitewater Development Corporation and Related Matters has announced intentions to hold hearings this July regarding the handling of documents in the office of Deputy Counsel Vincent Foster following his death in July 1993. In connection with its preparation for these hearings, the Committee has requested certain White House records. We received the Committee's request last Friday and have been asked to respond by this Friday, June 9, 1995. Accordingly, please review your records ("memoranda, correspondence, notes, and records in any other medium, including drafts of any of the foregoing"), as well as your computer files, and retrieve the following:

- (1) "All records discussing or relating to the handling of any and all documents that were in the office of Vincent Foster at the time of, or following, his death on July 20, 1993, including, but not limited to, records that tend to identify any individuals who had contact with such documents, and records that relate to the disposition of such documents." **You need only search for records created or obtained after July 20, 1994 as all other records have been collected previously by the Counsel's Office.**
- (2) "All records relating to entries by any individuals into, or tending to identify any individuals who entered or had access to, Vincent Foster's office from approximately noon of July 20, 1993 to July 31, 1993.

These records should include, but not be limited to, any logs, alarm records, or other records of any individual who entered Vincent Foster's office, and the date, the time and the duration of each such entry, and the number of instances of such entries that occurred.

- (3) "All records of telephone conversations or wire communications, including, but not limited to, phone logs, copies of message pads, and electronic or written records, relating to communications that took place between 5 p.m. on July 20, 1993 and 5 p.m. on July 22, 1993, from or to any of the following individuals:

all members of the office of White House Counsel, including its staff and assistants; the Chief of Staff to the President, including his staff and assistants; the Chief of Staff to the First Lady, including her Staff and Assistants; Patsy L. Thomasson, Special Assistant to the President for Management and Administration and Director of the Office of Administration; Mark D. Gearan, Assistant to the President for Communications; Lisa M. Caputo, Press Secretary to the First Lady; Bruce R. Lindsey, Director of Personnel; and David Watkins, Assistant to the President for the Office of Administration.

- (4) "All records of telephone conversations or wire communications, including, but not limited to, phone logs, copies of message pads, and electronic or written records, relating to communications that took place, between 5 p.m. on July 20, 1993, and 5 p.m. July 22, 1993, between:

- (i) any individual at the White House and
- (ii) Philip D. Heymann, Webster Hubbell, or David Margolis of the United States Department of Justice, or any member of their respective staffs.

- (5) "All records of telephone conversations or wire communications, including, but not limited to, phone logs, copies of message pads, and electronic or written records, relating to telephone calls, between July 12, 1993 and July 31, 1993, between:

- (i) any individual at the White House and

- (ii) James Lyons, an attorney practicing in Colorado, any member of the Rose Law Firm, or the U.S. Attorney in Little Rock, or any individual employed by the U.S. Attorney's Office in Little Rock.

- (6) "All records relating to public statements by the White House concerning the handling of documents that were in the office of Vincent Foster on the date of, or following, his death, including, but not limited to, drafts of, or memoranda or notes prepared in anticipation of, such public statements." **You need only search for records created or obtained after July 20, 1994 as all other records have been collected previously by the Counsel's Office.**

Please provide any records that fall within any of the categories described above to Associate Counsel Miriam Nemetz (OEOB Room 142) **by no later than 12:00 noon on Thursday, June 8, 1995.** In order to minimize the burden on individual staff members, we will retrieve directly from the Office of Records Management (ORM) any telephone logs and message pads responsive to the requests in paragraphs (3) and (4) above and review them for responsiveness. If you have sent such records to ORM, please alert Tom Taggart (6-7242) of ORM.

If you have any questions about this request or the upcoming hearings, please contact Jane Sherburne (6-5116) or Miriam Nemetz (6-5092).

Thank you for your cooperation.

MEMORANDUM FOR TERRY GOOD, DIRECTOR OF RECORDS MANAGEMENT

FROM: WILLIAM ROBERTS
TOM TAGGART, JR.

DATE: MAY 5, 1995

SUBJECT: MAY 2, 1995 SEARCH REQUEST FROM JANE C. SHERBURNE AND
DAVID B. FEIN, COUNSEL'S OFFICE

WE HAVE SEARCHED THE OFFICES OF WHITE HOUSE RECORDS
MANAGEMENT FOR MATERIAL DESCRIBED IN THE COUNSEL MEMO OF MAY
2, 1995. THE SEARCH INCLUDED ALPHA, COMPUTER, OVERSIZE
ATTACHMENTS AND UNPROCESSED WORK, AND 22 BOXES OF FILES FOR
CLIFF SLOAN, BERNARD NISSBAUM, DAVID GERGEN, CHRISTINE VARNEY,
STEVE SILVERMAN, JODI GREENSTONE AND KEITH MASON WERE
INDIVIDUALLY SEARCHED. THE RESULTS OF THE SEARCH ARE AS FOLLOWS
WITH SEARCH NOTES AND INFO ATTACHED:

CLIFF SLOAN -
FROM OVERSIZE ATTACHMENTS # 4661; COPY OF JULY 1, 1993 CALENDAR
THAT LISTS WHITEWATER MEETING, RM 472, BUT THERE IS NO OTHER INFO
IN FILE.

DAVID GERGEN -
FROM OVERSIZE ATTACHMENTS # 2806; FOLDER LABELLED WHITEWATER,
WITH MARCH 7, 1994 MEMO FOR THE FILES FROM DAVID GERGEN
DETAILING CONTACTS WITH THE RTC/FDIC (ROGER ALTMAN)

KEITH MASON -
FROM OVERSIZE ATTACHMENTS # 3998; COPY OF BOX INVENTORY WITH
DETAIL ON ARKANSAS FROM STATE BY STATE BRIEFING BOOK

FROM OVERSIZE ATTACHMENTS # 3994; FOLDER LABELLED ARKANSAS - KM,
WITH ORIGINAL AND COPIES OF MATERIAL ON JIM GUY TUCKER FOR TIME
PERIODS.

NOTE: I VIEWED KEITH MASON'S NOTEPADS AND CALENDARS. I SAW NO
RELEVANT INFO IN CALENDAR PAGES. THERE WERE NO NOTEBOOKS OR
NOTES FOR SEPTEMBER OR OCTOBER OF 1993.

THERE ARE SIX CASES ATTACHED THAT INVOLVE INFO BUT DO NOT
APPEAR TO FIT THE SCOPE OF THE REQUEST. THEY ARE ATTACHED FOR
YOUR REVIEW. THESE CASES ARE 057061, 055375, 064608, 065350, 1/12/95
LETTER FROM BRUCE LINDSEY TO GOVERNOR TUCKER FROM PE002, AND
LETTER TO GOVERNOR TUCKER FROM ALPHA FILES.

COPY
from ORM
Machine 33

May 8, 1995

MEMORANDUM FOR JANE C. SHERBURNE
DAVID B. FEIN

FROM:

TERRY W. GOOD *TW Good*

RE:

Request for information

Two members of the Office of Records Management, William Roberts and Tom Taggart, Jr., have searched the records currently in the custody of this office and have provided me with the attached selected folders and documents or copies thereof. We believe that our efforts constitute a good faith effort to respond to your request. Please know that we will continue to review any files received by us in the future for documents relevant to this and other requests from the Counsel's Office.

Attached are:

- 1) a page from a desk calendar for the week ending July 3, 1993, from Cliff Sloan's files.
- 2) a folder labelled "Whitewater" from David Gergen's files.
- 3) a copy of pages from a State by State Briefing Book, dated August 22, 1994, from Keith Mason's files.
- 4) a folder marked "Arkansas" from the files of Keith Mason.
- 5) copies of six cases from our general files.

THE WHITE HOUSE
WASHINGTON

~~CONFIDENTIAL~~

May 2, 1995

COPY

MEMORANDUM FOR TERRY W. GOOD
DIRECTOR, OFFICE OF RECORDS MANAGEMENT

FROM: JANE C. SHERBURNE
SPECIAL COUNSEL TO THE PRESIDENT

DAVID B. FEIN
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Request for Information

The Independent Counsel has asked that we locate a limited number of additional White House records that may assist them in completing their review of so-called White House-Treasury contacts. To respond fully to this request, the Counsel's Office needs to assemble certain records that may have been sent to Records Management by several former employees of the White House.

Accordingly, please undertake the following:

(1) Review the files that may have been sent to Records Management by Neil Eggleston, Cliff Sloan, Bernard Nussbaum, Christine Varney, and David Gergen, and provide any records created after March 4, 1994 that describe or reflect communications between White House officials and officials of the Department of the Treasury or the Resolution Trust Corporation about or regarding Madison Guaranty Savings & Loan, its subsidiaries or affiliates.

(2) Review the files sent to Records Management by Keith Mason and provide any records that refer or relate to any contacts, meetings or conversations (planned or actual) occurring in September, October or November 1993 between employees of the White House and Jim Guy Tucker, to the extent such documents and/or communications mention Madison Guaranty Savings & Loan, its subsidiaries or affiliates, the Resolution Trust Corporation or the Department of Justice.

You may exclude from this request, if they are not annotated, the following items:

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2006-0320-F

- press clippings
- transcripts of press conferences or other media appearances
- copies of public statements or letters
- copies of the Office of Government Ethics or other publicly available reports
- copies of correspondence with Congress regarding scheduling or other administrative matters

After Records Management has completed its review, please sign the statement at the bottom of this memorandum and return it to David Fein, along with any responsive documents. We would appreciate receiving your response by Monday, May 8. Please call Jane Sherburne (456-5116) or David Fein (456-6219) if this response date is not feasible or if you have any questions about this request. Thank you for your cooperation.

* * * *

STATEMENT

To the best of my knowledge and ability, I have searched the files, records, and other documents (including my electronic files) in my possession, custody, or control in accordance with the instructions in this memorandum and have provided any responsive documents to the White House Counsel's Office.

Signed: _____

Dated: _____

Non-responsive
from 1a

LAW OFFICES
WILLIAMS & CONNOLLY

725 TWELFTH STREET, N.W.

WASHINGTON, D. C. 20005

(202) 434-5000

FAX (202) 434-5029

EDWARD BENNETT WILLIAMS (1920-1988)
PAUL R. CONNOLLY (1922-1978)

VINCENT J. FULLER
RAYMOND W. BERGAN
JEREMIAH C. COLLINS
ROBERT L. WEINBERG
DAVID POVICH
STEVEN M. UMIN
JOHN W. VARDAMAN
PAUL MARTIN WOLFF
J. ALAN CALBRAITH
JOHN C. KESTER
WILLIAM E. MCDANIELS
BRENDAN V. SULLIVAN, JR.
AUBREY M. DANIEL, III
RICHARD M. COOPER
GERALD A. FEFFER
ROBERT P. WATKINS
JERRY L. SHULMAN
LAWRENCE LUCCHINO
LEWIS H. FERGUSON, III
ROBERT D. BARNETT
DAVID E. KENDALL

GREGORY B. CRAIG
JOHN J. BUCKLEY, JR.
TERRENCE O'DONNELL
DOUGLAS R. MARVIN
JOHN K. VILLA
BARRY S. SIMON
KEVIN T. BAINE
STEPHEN L. URBANCZYK
PHILIP J. WARD
FREDERICK WHITTEN PETERS
JAMES A. BRUTON, III
PETER J. KAHN
LON S. BABBY
MICHAEL S. SUNDERMETER
JAMES T. FULLER, III
DAVID D. AUFHAUSER
BRUCE R. GENDERSON
CAROLYN H. WILLIAMS
F. LANE HEARD III
STEVEN R. KUNZY

GERSON A. ZWEIFACH
PAUL MOCIN
HOWARD W. GUTHAN
NANCY F. LESSER
RICHARD S. HOFFMAN
STEVEN A. STEINBACH
MARK S. LEVINSTEIN
MARY G. CLARK
DANIEL F. KATZ
NICOLE K. SELICMAN
ROBERT M. KRASNE
KATHLEEN L. BEGGS
WILLIAM R. MURRAY, JR.
EVA PETKO ESBER
STEPHEN D. RABER
JOHN D. CLINE
DAVID C. KIRKMAN
LON E. MUSSLEWHITE
ROBIN E. JACOBSON
CHARLES A. SWEET

January 8, 1996

VIA FACSIMILE AND HAND DELIVERY

The Honorable Alfonse M. D'Amato
Chairman
United States Senate Committee on Banking, Housing,
and Urban Affairs
Senate Hart Office Building
Room 520
Washington, D.C. 20510-6075

Dear Senator D'Amato:

You and your agents have stated that the recently released Rose Law Firm billing records for the Madison Guaranty representation impugn or contradict Mrs. Clinton's statements to investigators. The Associated Press reports today that you stated on yesterday's Brinkley show that the billing records "show 'tremendous inconsistencies' with Mrs. Clinton's sworn statements to federal regulators"

These are serious charges that are wholly unfounded and completely false. Since you have made these allegations, in fairness you ought now to state the specific factual basis for them.

I don't believe you can.

Sincerely,



David E. Kendall