

NLWJC – Kagan

Staff & Office – Box 001-Folder 3

Elena Kagan/”McIntosh”

FOIA MARKER

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Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Counsel Office

Series/Staff Member: Sally Paxton

Subseries:

OA/ID Number: 18659

FolderID:

Folder Title:

Elena Kagan / "McIntosh"

Stack:

V

Row:

12

Section:

6

Shelf:

5

Position:

1

Make copy of entire

file & put in

folder:

Elena Kazary "McIntosh"

N/R

Congress of the United States
Committee on Government Reform and Oversight
House of Representatives

September 25, 1996

The Honorable John M. Quinn
Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr. Quinn:

It remains a mystery as to why it has taken nearly three months for the White House to produce the documents and other materials that you have produced over the last several days in response to the Subcommittee's inquiry regarding the White House Database (WhoDB). As you have known all along, these documents and materials are critical to the Subcommittee's evaluation of whether the creation and operation of the WhoDB is an appropriate and lawful expenditure of taxpayer funds. The documents produced are beginning to give the Subcommittee a better idea of the nature and purposes of the WhoDB.

Nevertheless, the Subcommittee's initial review of the documents produced thus far raises serious questions and suggests that other White House documents that have not been produced could assist the Subcommittee's investigation. In addition, the redaction of portions of certain documents, references in produced documents to others that could not be located in the produced documents, and your letters of September 23 and 24 reflect the White House's failure to supply all of the documents and assurances the Subcommittee requested.

Accordingly, the Subcommittee must insist on a complete production of documents and all the assurances it has previously sought. Specifically, the Subcommittee requests that you provide unredacted copies of all documents that contain redactions. For example, the January 31, 1994 "Briefing Paper on Databases -- Eyes Only" (Document No. M 25138) must be provided without redacting the section on "The Campaign Database," and the November 1, 1994 Memorandum From Marsha Scott to Erskine Bowles and Harold Ickes (Document No. M 25673) must be provided without any redactions. This material is plainly relevant to the Subcommittee's inquiry into whether appropriated funds were used for campaign-related purposes.

There are many contractor e-mails included in the documents produced to Subcommittee. The vast bulk of them appear to be e-mails from or to Keith Hayden, an employee of Integrated Data Systems, Inc. Can you assure the Subcommittee that there are no other contractor employee e-mails that have not been produced?

The Subcommittee also needs certain documents that appear to be referenced but cannot be located in what you have produced. Those documents are (1) documents reflecting the results of Cheryl Mills's review of the WhoDB (referenced in the March 25, 1996 Memorandum from Chris Gruin to

Jodie Torkelson, document no. M 23713), and (2) "memo on political activity" by Cheryl Mills (not Ms. Mills's January 17, 1994 memorandum) referenced in Erich Vaden's memorandum to Cheryl Mills dated August 21, 1995 (Document No. M 26980). In addition, there are other documents that we believe are missing. Please provide your assurance that there are no other documents in your possession that are responsive to our requests.

The Subcommittee also requested that you provide a production log of the documents that would identify the title and source of each document. I am sure that you have kept at least a log of the source of all documents by Bates stamp number (e.g., John Doe's files, M 73500 through M 74500) for your own purposes. Please provide the Subcommittee with such a log.

Because you requested to withhold certain information at this time, the Subcommittee requested that you provide certain assurances that you would provide access or other information at a later time if necessary. Specifically, the Subcommittee needs your personal assurance that you will produce a copy of any WhoDB back-up tapes that the Subcommittee may request. By tomorrow, the Subcommittee needs a copy of the WhoDB back-up tape for February 1996.¹

As you know from our prior correspondence, we will limit access to sensitive information to those individuals who are necessary to complete the investigation in an effective and efficient manner. However, if I cannot be present at the White House, Mildred Webber will be accompanied by one other Subcommittee staff member whenever she reviews information on the WhoDB. You will be hearing from Ms. Webber to arrange for an appointment to view the database.

In addition, the Subcommittee needs your assurance that the version of the WhoDB produced to the Subcommittee includes "inactive" as well as active records. It is only the WhoDB's failure to incorporate an adequate audit trail that forces the Subcommittee to make these three requests.

With regard to the relationship to the First Family field, you still have not provided a description of how someone qualifies for inclusion in each category. In particular, you have not provided an explanation of how someone qualifies for inclusion in the largest category, "PDL." Please produce a list of persons that have the PDL designation, and produce a description of how someone qualifies for inclusion in each category.

Please produce all documents and provide all assurances requested in this letter not later than 6:00 p.m. on Thursday, September 26. We need all the documents and assurances to determine if the Subcommittee must consider the issuance of a subpoena for these and other materials at this time. The Subcommittee's requests should not involve substantial additional work since almost all of them are requests the Subcommittee has previously made and with which you should have already complied.

¹ The log of back-up tapes you provided on September 24, 1996 was incomplete because it did not provide information on back-up tapes prior to June 27, 1996, the date when the Subcommittee first informed you that it was beginning an investigation of the WhoDB. Please provide the complete list of WhoDB back-up tapes that presently exist.

Thank you for your attention to these matters.

Sincerely,



David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

cc: Chairman William F. Clinger, Jr.
Representative Collin Peterson