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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Letter	[Letter] [3 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/17/2025 JLS] - To: Alberto Gonzales - From: Leslie Caldwell	3	07/18/2002	
002	List	[List]	13	N.D.	b6;
003	List	[Call Log]	1	05/30/2002	b6;

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

[Enron Materials 2002] [2]

FRC ID:

9805

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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SUPERSEDED

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THE WHITE HOUSE

WASHINGTON

June 4, 2002

FILE

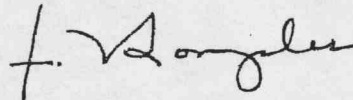
Dear Chairman Lieberman:

By letter dated May 22, 2002, we provided the Committee voluntarily, as a matter of comity, certain preliminary information responsive to the Committee's requests for information concerning certain Executive Office of the President (EOP) communications relating to Enron Corporation. In that letter and attachment, we advised the Committee that the information was necessarily preliminary in nature, reflecting only the results of certain initial investigative steps. We noted that "[a]s further work is performed, the information in th[e] attachment is subject to supplementation or amendment."

In the May 22, 2002 letter, I also indicated that we expected to make further information responsive to the letter requests available to the Committee as we completed further work. In light of subpoena No. 000032 issued by the Committee, we have now redirected our efforts toward responding to that subpoena. Accordingly, further information responsive to the letter requests will now be furnished in the form of documents produced pursuant to the subpoena, rather than in narrative form.

There are also certain technical corrections we would like to make to information contained in the attachment to the May 22, 2002 letter. At the time of the letter to Secretary of Energy Spencer Abraham dated February 12, 2001 referenced in the attachment, Jim Connaughton was not yet Chairman of the Council on Environmental Quality; he was a lawyer in private practice. Also, at the time of the telephone calls referenced in the attachment between Steve Ruhlen, Deputy Assistant to the Vice President for Legislative Affairs, and Pat Shortridge, Mr. Shortridge was not yet an employee of Enron. In the October 19, 2001 meeting between Elizabeth Stolpe and the Clean Power Group, Jim Connaughton, Chairman of the Council on Environmental Quality was also in attendance. Karen Hughes and other members of the White House communications, press, and media affairs team routinely have telephone conversations and meetings during which they discuss major news stories with communicators at other executive branch departments and agencies. It was in the context of such conversations that the subject of Enron came up in Ms. Hughes' communications referenced in the attachment. Most if not all of these communications likely occurred after Enron's declaration of bankruptcy. Finally, there is a typographical error in the paragraph concerning the March 6 and March 7 meetings relating to the Commission on Ocean Policy. The March 7 meeting occurred on March 7, 2001, not March 7, 2002.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

THE WHITE HOUSE

WASHINGTON

June 3, 2002

Dear Chairman Lieberman:

The Executive Office of the President (EOP) has prepared an initial production of documents in response to Senate Governmental Affairs Committee subpoena No. 000032. These documents are sequentially numbered 000001 through 001745. While this represents a substantial production, especially in light of the exceptionally short period of time allotted for making return to the subpoena, it is only an initial production. We are still in the process of receiving documents from various units within the EOP and are continuing to review those documents we have already received. We are working very hard to prepare additional documents for production, and we expect to make one or more additional productions to the Committee in the near future.¹ When production is complete, we will advise the Committee whether any responsive documents have been withheld; at present, there are none we have determined to withhold.

The 1,745 pages of documents being produced today are available for immediate inspection and review by Committee staff in the Eisenhower Executive Office Building. In addition, copies will be provided to the Committee as soon as we complete our ongoing discussions and a final agreement is reached on procedures to safeguard the security and confidentiality of these documents, which are unredacted and include many sensitive categories of information, including social security numbers, e-mail addresses of government officials, conference call numbers on the White House exchange, proprietary and confidential business and commercial information, executive branch communications concerning matters of policy, and foreign relations material. (Future productions may also include classified material, as most National Security Council (NSC) records have not yet been reviewed.) In the meantime, Committee staff may contact my office to arrange for review of the documents.

These documents have been gathered from a variety of sources. Following receipt of the subpoena, which was the first time the Committee had requested documents from the White House, we circulated a request for responsive documents to all EOP employees; a copy of that request was provided to Committee staff. The Office of Records Management performed an electronic search of files in its possession that are full-text searchable, which include the presidential documents received from the Office of the Staff Secretary. Searches were performed of the records of the White House Worker and Visitor Entry System (WAVES) for records of entry to the White House complex by certain individuals known to be affiliated with Enron. The Office of Administration performed searches of the White House Automated Records Management System (ARMS) for potentially responsive e-mails. The NSC staff also performed searches of its classified e-mail system.²

¹ Pursuant to paragraph 8 of the Instructions in the subpoena, we note that the Committee's subpoena was exceptionally broad, requiring all of the nearly 2,000 employees in the EOP to search for responsive documents, and provided only 12 days for compliance, of which three were consumed by the Memorial Day weekend. The subpoena was also issued on the day the President and a substantial number of his senior staff left on a foreign trip from which they did not return until the evening of Tuesday, May 28, 2002. We have made an extraordinary effort to provide an initial production by the return date, but our work necessarily continues.

² As you know, electronic searches can only be performed using specified search terms. In all cases, given the absence of guidance from the Committee, we have endeavored in good faith to devise a reasonable approach to the searches performed, including, at a minimum, the term "Enron" and the names of certain Enron senior executives and employees.

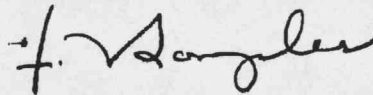
Page Two
June 3, 2002

Please note that in performing our review of ARMS records, we have excluded several categories of e-mail traffic. We have not reviewed bulk e-mail from the general public sent to the general White House e-mail addresses, nor have we reviewed error messages or delivery failure notices. In addition, we have not reviewed bulk e-mails sent out by the White House Press Office containing items such as press releases, transcripts of press briefings, and public fact sheets. We also have not reviewed bulk e-mails received on the ARMS system that merely contain copies of newsletters or published news stories. Finally, where e-mails have contained attachments, we have not produced the unreadable "hex dumps" of the data in those attachments but have instead produced readable copies of the attachments themselves.

With respect to WAVES records, we have searched for records of entries by certain individuals from Enron who were either senior executives of the company or who we had some reason to believe may have visited the complex. (The latter category includes, for example, certain individuals working in Enron's Washington-based governmental relations office.) We have produced all the responsive entries we located. However, we renew our previous offer to supplement our search if the Committee becomes aware of additional names of potential visitors from Enron. In addition, as we have previously noted, the Committee should be aware that there are certain technical and practical limitations of the WAVES system that do not make it an absolutely reliable indicator of actual entries and/or exits.

As you are aware, many business organizations, non-profits, interest groups, and labor unions communicate their policy views to Congress and the executive branch, including to Members of both parties and to the EOP regardless of Administration. While our review is not yet complete, the records we have examined thus far continue to reflect that Enron communicated policy views to the EOP but that none of those communications was inappropriate or improper. We still have identified no instance in which Enron approached any person in the EOP or the Office of the Vice President seeking help in connection with its financial difficulties prior to bankruptcy. The records we have reviewed thus far also continue to reflect that the related actions of EOP officials were responsible and consistent with the appropriate performance of their official duties.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
Chairman
Senate Governmental Affairs Committee
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson, Ranking Member

FILE

THE WHITE HOUSE
WASHINGTON

May 31, 2002

Dear Chairman Lieberman:

As you know, I have indicated to you repeatedly since we first talked that the White House will cooperate with the Committee's investigation. To that end, we have devoted significant time and resources to gathering information for the Committee and, as a matter of comity, have already transmitted significant relevant information to the Committee. Our extensive inquiries continue to disclose no instance in which Enron approached any person in the Executive Office of the President or the Office of the Vice President seeking help in connection with Enron's financial difficulties prior to bankruptcy. In addition, the communications we have identified thus far reflect only appropriate and responsible actions by government officials. And you also stated at the May 22 hearing that you are "making no accusation about the conduct of anyone in the White House."

While we believed your decision to issue a subpoena for documents to be both premature and unwarranted, we have nonetheless taken substantial additional steps to gather documents that are responsive. Over the past week, EOP and OVP employees have spent significant time searching for, gathering, and copying additional records. And members of my staff have devoted substantial time to reviewing records for responsiveness and other issues.

As we informed your staff on several occasions in the past two days, we fully intend to begin producing documents on Monday, June 3, consistent with the return date you had specified. We must ensure, however, that the Committee, consistent with its past bipartisan practices, will employ appropriate procedures to protect the security and confidentiality of EOP and OVP documents. We therefore informed Committee staff that we expect the Committee to employ the same document protocols that the Committee (then chaired by Senator Thompson) had employed in 1997 with respect to White House documents received from President Clinton's Administration.

Today, however, Committee staff informed us that you would not agree to abide by the Committee's own procedures, procedures that were applied to President Clinton in 1997. Rather, we understand that you seek, among other changes, the freedom to publicly release documents when you alone see fit to do so, notwithstanding that the 1997 protocols required the concurrence of the Chairman *and* Ranking Member, after advance notice to the Counsel to the President, before such public release could occur. We also understand that you are objecting to the concept of secure rooms for storage of EOP and OVP documents despite the fact that the Committee used such procedures in its 1997 investigation. What is more, we also understand that you wish to allow a large number of Committee *and* non-Committee staff to have access to the documents, notwithstanding that the 1997 protocols established that only a limited number of designated Committee staff could have access to documents.

May 31, 2002

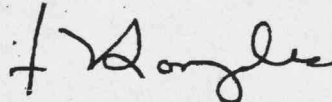
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We respectfully do not understand the Committee staff's refusal to accept the sensible procedures that the Committee under Senator Thompson employed in 1997. We wish to produce documents to the Committee with a minimum of redaction in order both to meet the Committee's exceptionally short return date and to facilitate the Committee's review. Doing so will, however, oblige us to furnish to the Committee documents that contain, among other things, dozens of Social Security numbers and birthdates, the e-mail addresses of high government officials, conference call dial-in numbers on the White House exchange, and sensitive communications within the executive branch. Absent the protections agreed to during the Clinton Administration to protect White House records, production of such material would present serious risks of invasion of privacy, identity theft, and impairment of the effective functioning of the executive branch of government.

Accordingly, I respectfully urge you to reconsider your unwillingness to employ the procedures used in previous investigations for purposes of security and confidentiality. If the Committee agrees to the existing procedures, we will make initial production by the Monday return date. If, however, we have not received the Committee's agreement to these procedures by 10:00 a.m. on Monday, we will have to reassess our approach so as to ensure that the documents are properly secured and protected consistent with the procedures agreed to on a bipartisan basis in 1997. We intend to continue to work hard over the weekend to gather and review documents for intended production Monday.

As should be apparent by now, we have taken extraordinary steps to cooperate with the Committee. We respectfully ask that the Committee grant us the simple courtesy of agreeing to handle the documents with the same measures of security and confidentiality that the Committee under Senator Thompson afforded to President Clinton. Please do not hesitate to contact me with any questions.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

THE WHITE HOUSE

WASHINGTON

May 22, 2002

Dear Chairman Lieberman:

This letter responds to the Committee's letters requesting information concerning Executive Office of the President (EOP) communications relating to Enron Corporation, as supplemented by our conversations with you and with Committee staff. Throughout our communications on this subject, I have repeatedly assured you of our intention to cooperate with the Committee's investigation. We have devoted substantial time and resources to gathering information responsive to your letter request, and as a matter of comity I am now transmitting to you in the attachment to this letter some preliminary results of our efforts.

Of most significance to the Committee's stated interests, our inquiries thus far have disclosed no instance in which Enron approached any person within the EOP or the Office of the Vice President (OVP) seeking help in connection with its financial difficulties prior to bankruptcy. In addition, the communications we have identified thus far reflect only appropriate and responsible actions by government officials.

As you know, we have undertaken numerous steps in the past several weeks designed to gather information responsive to the Committee's request. These steps have included the circulation of two separate surveys, copies of which were provided to you, to more than 200 individuals in the Executive Office of the President and the Office of the Vice President, including all commissioned officers and other staff members who we believe are most likely to possess responsive information; personal interviews with staff members who indicated they might have responsive information; a search of the White House Worker and Visitor Entry System (WAVES) for records of entry to the White House complex by certain individuals known to be affiliated with Enron; a search of the White House Automated Records Management System (ARMS) for e-mails sent or received by White House personnel that may reflect communications to, from, or about Enron; a search of the National Security Council's classified e-mail system for e-mails sent or received by White House personnel that may reflect communications to, from, or about Enron; and an electronic search of files in the possession of the White House Office of Records Management that are full-text searchable. Because the vast majority of records relating to prior Administrations are in the possession and control of the National Archives and Records Administration, we have focused our efforts on the period between January 20, 2001 and the date of Enron's bankruptcy specified in the Committee's letter, December 2, 2001.

Some of these steps, including our interviews of respondents to the first survey form and our search of WAVES records, have been completed, while others are still ongoing. However, in an effort to begin the process of furnishing information to the Committee on a rolling basis as quickly as possible, we are transmitting in the attachment to this letter the responsive information

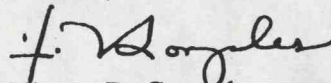
we have collected thus far that is ready for disclosure. We expect to make additional responsive information available to the Committee as further work is completed.

We emphasize that the information in the attachment is preliminary and may be supplemented or amended as we continue to cooperate with the Committee and gather and analyze additional information. You should also be aware that many of the steps described above are subject to certain inherent technological or methodological limitations. For example, WAVES records are imperfect, and electronic searches can only be performed using specified search terms. In all cases, in the absence of guidance from the Committee, we have endeavored in good faith to devise a reasonable approach to the searches we are performing. Should the Committee disagree with our approach, we remain open to considering any suggestions the Committee may have.

The attachment describes communications in three basic categories. The first are communications in which Enron sought assistance from individuals in the EOP or OVP in connection with the company's financial difficulties. The second are instances in which Enron communicated with individuals within the EOP or OVP on matters relating to the eight listed agencies in the Committee's request or relating to issues of law, regulation, or policy affecting Enron's business. The third are instances in which individuals within the EOP or OVP communicated with individuals in federal departments or agencies regarding Enron. A number of these communications have been publicly reported in the past.

We appreciate your acknowledgment at the Committee hearing earlier today that your inquiries are not based upon any suggestion of wrongdoing by White House officials. Please do not hesitate to contact me if you have any questions.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

Attachment

The information in this attachment is preliminary in nature and is based only upon the information-gathering steps taken through May 22, 2002. As further work is performed, the information in this attachment is subject to supplementation or amendment.

Requests by Enron for help from the EOP or OVP in connection with Enron's financial difficulties

None.

Summaries of communications with Enron

On January 29, 2001, Enron was one of approximately 250 signatories to a letter from the Coalition for U.S.-Vietnam Trade to the President urging support for a comprehensive bilateral trade agreement with Vietnam.

On February 7, 2001, Kenneth Lay attended a meeting with Administration officials, including Secretary of Commerce Donald Evans and Assistant to the President for Economic Policy and Director of the National Economic Council (NEC) Lawrence Lindsey, as part of a delegation of approximately 20 top business leaders. The President had a short meeting with the group and made informal remarks concerning the general condition of the U.S. economy and the need for a tax cut. The President sent Mr. Lay and each of the other participants in the meeting a short letter of thanks for their participation the next day, February 8, 2001.

A letter to Secretary of Energy Spencer Abraham dated February 12, 2001, and signed by executives of approximately 20 corporations and trade groups, including Martin D. Sunde, President of Enron Energy Services, was copied to a number of White House officials, including Assistant to the President and Deputy Chief of Staff Joshua Bolten, Deputy Assistant to the President and Director of the Domestic Policy Council John Bridgeland, Chairman of the Council on Environmental Quality Jim Connaughton, Director of the Office of Management and Budget Mitch Daniels, Chief of Staff to the Vice President Lewis Libby, Assistant to the President for Economic Policy and Director of the NEC Larry Lindsey, Executive Director of the National Energy Policy Development Group (NEPDG) staff Andrew Lundquist, Deputy Assistant to the President and Director of Political Affairs Ken Mehlman, and Assistant to the President for Domestic Policy Margaret LaMontagne. The letter and attached budget recommendations supported the development of a National Energy Reliability Initiative.

On February 22, 2001, Kenneth Lay and Linda Robertson of Enron met with then-NEPDG staff director Andrew Lundquist to discuss energy policy issues.

On two occasions, Senior Advisor to the President Karl Rove spoke to Kenneth Lay on the telephone. First, in the early months of 2001, Mr. Rove received a telephone call from Kenneth Lay in which Mr. Lay suggested that Mr. Rove meet with the head of the Environmental Defense Fund. Mr. Rove never scheduled such a meeting. Second, Mr. Lay placed a telephone call to Mr. Rove regarding the President's intention to nominate Nora

Brownell to the Federal Energy Regulatory Commission (FERC). Mr. Lay expressed support for Ms. Brownell's appointment and expressed concern that certain individuals were making efforts to discourage Ms. Brownell from accepting the appointment. Mr. Rove later called Mr. Lay to inform him that no such efforts were taking place.

Clay Johnson, Assistant to the President for Presidential Personnel, had received a letter from Mr. Lay during the presidential transition regarding appointments to the FERC. In the letter, dated January 8, 2001, Mr. Lay suggested qualifications for FERC appointees and recommended seven candidates for FERC, including Pat Wood and Nora Brownell. Mr. Lay also called Mr. Johnson on two occasions in the early months of 2001 to follow up on this matter. By form letter dated March 6, 2001, Mr. Johnson thanked Mr. Lay for recommending Mr. Wood.

Electronic records maintained by the Office of Presidential Personnel (OPP) and other documents reflect that, in addition to Mr. Lay, six other people, including a Democratic Senator, recommended Mr. Wood for FERC. These records also indicate that four people other than Mr. Lay, including the same Senator, recommended Ms. Brownell for FERC. Overall, OPP electronic records reflect that Mr. Lay recommended a total of 21 individuals for appointment in the Administration, of whom only three ultimately received appointments.

Assistant to the President for Economic Policy and Director of the National Economic Council Larry Lindsey had communications with Enron. Dr. Lindsey's job requires him to be in regular contact with industry and outside groups, as well as with relevant agencies, about economic policy issues. As part of his ordinary duties and responsibilities, Dr. Lindsey had a few communications with Ken Lay in the winter and spring of 2001, most likely about the California electricity shortage. On April 6, Dr. Lindsey had a meeting with Mr. Lay, Linda Robertson, Deputy Assistant to the President for Economic Policy Marcus Sumerlin, and Special Assistant to the President for Economic Policy Robert McNally about electricity and bundling issues. Mr. Lay also talked to Dr. Lindsey after the September 11 attacks to state that confidence and investment plans were deteriorating in the wake of the attacks. Enron never asked Dr. Lindsey for help or communicated with him regarding its financial difficulties.

Robert McNally, Special Assistant to the President for Economic Policy, is responsible for domestic and international energy policy issues. Mr. McNally's job requires him to be in regular contact with agencies and outside groups, among others, about energy policy issues. As part of his ordinary duties and responsibilities, Mr. McNally had meetings and telephone communications with Enron representatives in 2001. The main issues discussed in these communications were multi-emissions policy (Enron supported four-pollutant legislation on power plants) and electricity policy.

Meetings attended by Mr. McNally with Enron representatives included the following. On March 6, Mr. McNally may have attended a meeting with a group of people including Enron representative Thomas Briggs. On April 6, Mr. McNally sat in on part of a meeting with Larry Lindsey, Marc Sumerlin, Ken Lay, and Linda Robertson. Ms. Robertson sent an e-mail to Mr. McNally on April 20, 2001. On April 17, Mr. McNally met with Lisa Jacobson and Jeffrey Keeler. On May 23, Mr. McNally met with Ms. Robertson and Richard Shapiro. On June 1, Mr.

McNally met with the Clean Power Group about multi-emissions issues; this group included several outside companies and entities, including Enron. Pat Shortridge, Ms. Jacobson, and Jeffrey Keeler of Enron attended this meeting. On August 15, Mr. McNally met with Mr. Shortridge and another individual who was not from Enron. On October 10, Mr. McNally and Andrew Lundquist met with representatives of Enron LNG, Neal Gerstandt and Emilio Vicens, as well as John Hardy from Enron Corporation; they informed Mr. McNally about an LNG project in Venezuela. (Mr. Lundquist had previously been the Executive Director of the NEPDG staff, but the NEPDG ceased to exist on September 30, 2001, before this meeting took place.)

On March 7, 2001, David Haug, an Enron executive, and one or two other individuals from the private sector met in the Eisenhower Executive Office Building with Andrew Lundquist, the then-Executive Director of the NEPDG staff, to discuss energy policy. Lewis Libby, Chief of Staff to the Vice President, was also present for several minutes.

On April 9, 2001, Thomas Briggs, an Enron representative, was part of a group of utility representatives that met with the staff of the NEPDG to discuss energy policy issues.

On April 17, 2001, Kenneth Lay and Linda Robertson of Enron met with the Vice President for approximately thirty minutes to discuss energy policy and the energy crisis in California.

During the months prior to the release of the NEPDG report, Steve Ruhlen, Deputy Assistant to the Vice President for Legislative Affairs, received a small number of telephone calls from Pat Shortridge, an Enron governmental affairs employee and personal friend of Mr. Ruhlen, seeking information concerning the likely components of the President's energy plan. These conversations were similar to others Mr. Ruhlen had with representatives of other companies and with members of congressional staffs on Capitol Hill. In response to these inquiries, Mr. Ruhlen disclaimed knowledge of specific information concerning the content of the energy plan but expressed a general expectation that the plan would conform to policy positions taken by the President during the 2000 campaign.

On May 15, 2001, as part of a series of meetings leading up to the rollout of the NEPDG report, a meeting was held in the Eisenhower Executive Office Building with approximately 20 representatives of companies or trade groups dealing with renewable sources of energy. Thomas Briggs of Enron attended this meeting at the suggestion of the American Wind Energy Association. The Vice President dropped by the meeting.

On June 28, 2001, the Environmental Protection Agency sponsored a New Source Review stakeholders meeting with the Clean Power Group. Jeffrey R. Keeler attended as a representative of Enron, as did Amy Farrell of the Office of Management and Budget and James Soldano of the Council of Economic Advisers. A number of other companies were also represented at the meeting.

On August 7, 2001, Thomas Briggs, an Enron representative, and one or two other individuals met with Karen Knutson, then-Deputy Executive Director of the NEPDG, and Kirk Blalock, Special Assistant to the President and Deputy Director of Public Liaison, to discuss

difficulties that a German subsidiary of Enron was having with the German government and related perceptions of unfair competition in the German market. Mr. Briggs did not ask Ms. Knutson to do anything on Enron's behalf, and she took no action following the meeting. Ms. Knutson referred Mr. Briggs to the Department of Commerce or the Department of State.

On September 13, 2001, an Enron Executive Vice President, David Haug, had a meeting with Cheryl Oldham of the Office of Presidential Personnel to discuss potential opportunities for obtaining a position with the Administration, primarily in fields other than energy. Nothing came of these discussions, and Mr. Haug was not appointed to a government position. Mr. Haug's resume had been forwarded to the Office of Presidential Personnel during the transition, and Kenneth Lay had sent a letter of recommendation on Mr. Haug's behalf (and on behalf of one additional Enron executive, Jim Bannantine, and a management consultant, Bill Lewis) to Clay Johnson on December 13, 2000. A private attorney representing Enron had also recommended Mr. Haug.

Elizabeth Stolpe, Associate Director for Toxics and Environmental Protection at the Council on Environmental Quality, attended a meeting on October 19, 2001, with members of a group known as the Clean Power Group on multi-emissions issues. The meeting had been requested and set up by the Dutko Group. There were representatives of several industry groups and companies in attendance, including two representatives from Enron, Pat Shortridge and Lisa Jacobson. This was just one of many meetings Ms. Stolpe attended with industry and environmental groups on the multi-emissions issue.

John Howard, then Senior Associate Director of the Council on Environmental Quality, attended two meetings in spring 2001 about multi-emissions with the Clean Power Group, which included representatives from Enron. The meetings were typical meetings with industry groups. Enron wanted the government to regulate CO2, which was also a recommendation of environmental groups. Also, in the fall of 2001, an individual at Enron Windpower spoke to Mr. Howard about a windpower tax credit proposal. This proposal had been included in the National Energy Policy Report issued in May, 2001 and is still under consideration by Congress.

In addition to the information responsive to the Committee's request set forth above, records indicate a number of other White House visits by Enron-affiliated individuals, including on occasion Kenneth Lay, for ceremonial or large group events, such as inaugural festivities, the 2001 Easter Egg Roll, a tee-ball game, remarks to the Horatio Alger Association, and other presidential or vice presidential speeches to large groups of business executives, as well as social and charitable correspondence and events, and correspondence pertaining to appointments other than those the Committee has identified as being of interest.

Summaries of communications with executive departments or agencies regarding Enron

In November, 2001, Chief of Staff to the President Andrew Card was advised by Secretary of Commerce Donald Evans that Kenneth Lay had called Secretary Evans seeking his intervention with credit rating agencies on Enron's behalf. Secretary Evans told Chief of Staff Card that he had declined to intervene, and Chief of Staff Card advised him that he had done the right thing.

Chief of Staff Card also attended internal meetings with government officials from time to time regarding energy policy. At one such meeting, which may have included personnel from departments or agencies outside the EOP and OVP, NEC Director Larry Lindsey may have mentioned Enron in passing in explaining an economic concept relating to the electricity grid.

In late October or early November of 2001, following press reports concerning Enron's rapidly deteriorating financial condition, Joshua Bolten, Assistant to the President and Deputy Chief of Staff for Policy, communicated with Sheila Bair, Assistant Secretary for Financial Institutions at the Department of the Treasury. Mr. Bolten inquired whether a business failure by Enron would likely have systemic effects on the energy or financial markets. He was subsequently informed that the Treasury Department did not believe that such effects would result from a business failure by Enron. Mr. Bolten also may have been advised at some point by Secretary of Commerce Donald Evans that Secretary Evans had received a call from Kenneth Lay seeking assistance with rating agencies, which Secretary Evans had declined to provide. Mr. Bolten did not intervene on Enron's behalf with any department or agency of government.

Secretary of the Treasury Paul O'Neill hosts a weekly economic lunch attended by senior economic policy officials from the Administration, often including NEC Director Larry Lindsey, Secretary of Commerce Donald Evans, Chairman of the President's Council of Economic Advisers Glenn Hubbard, OMB Director Mitch Daniels, and Deputy Chief of Staff Josh Bolten. At one such meeting in October or November, 2001, Undersecretary of the Treasury for Domestic Finance Peter Fisher may have mentioned that he had received a call from former Treasury Secretary Robert Rubin inquiring about the possibility of the Treasury Department providing assistance to Enron.

Last February 1, in response to a letter from Congressman Henry Waxman, Dr. Lindsey advised Congressman Waxman as follows: "Following media reports of Enron's deteriorating condition, my staff and I increased the intensity of our monitoring of the energy and financial markets in an effort to assess the potential systemic impacts, if any, of Enron's failure. As others were undertaking similar monitoring relating to their particular agency missions, some interaction between members of the President's economic team and others in the Administration who were working on similar issues occurred."

In the fall of 2001, Marcus Sumerlin, Deputy Assistant to the President for Economic Policy, spoke to an official in the Department of Treasury about possible systemic risks from the collapse of Enron. Likewise, in the fall of 2001, Philippa Malmgren, Special Assistant to the President for Economic Policy responsible for financial markets issues, assessed the possible impact of Enron's collapse on the energy markets and broader economy as part of her ordinary duties and responsibilities. Dr. Malmgren evaluates the condition of the markets as a regular part of her job. Dr. Malmgren talked to officials at the Commodities Futures Trading Commission (CFTC) about the possible impact of Enron's collapse on the financial markets, including issues relating to counter-party risk. The CFTC had prepared a report about the possible impact on financial institutions, which it faxed to Dr. Malmgren. The next day, the CFTC counsel called Dr. Malmgren and said that it should not have sent the report as there was no need to send it. Dr. Malmgren also communicated with the Department of Treasury during the fall of 2001 on the

topic of the possible impact of Enron's collapse on the markets and the economy. Dr. Malmgren also had communications with Peter Watson from the Overseas Private Investment Corporation (OPIC). Watson discussed the likely consequences of a potential default by India with respect to its obligations on a power plant. On June 20, 2001, Dr. Malmgren also met with Nicholas O'Day from Enron's Tokyo office to discuss issues related to the Japanese economy and markets.

Another of the Special Assistants working for Dr. Lindsey, Robert McNally, communicated regularly with Joseph Kelliher, Senior Adviser for Electricity at the Department of Energy, about electricity and energy policy issues. In the fall of 2001, Mr. McNally had communications with officials from the Department of Energy and Department of Treasury, and also to officials of the Federal Energy Regulatory Commission, as part of the overall effort by the National Economic Council staff to assess the possible impact of Enron's collapse on the financial markets and the economy. At Mr. McNally's request, Rachel Brand, Associate Counsel to the President, sat in on one such conference call with him and other White House officials in approximately late October 2001 regarding the systemic effects of a possible Enron failure. Individuals from the Departments of Energy and Treasury may also have been on the call. Since the Bush Administration took office, Ms. Brand has never spoken to anyone at Enron.

In late 2001, as part of his duties and responsibilities, Carlos Bonilla, Special Assistant to the President for Economic Policy, assessed possible reforms to the pension laws in the wake of the Enron collapse. Mr. Bonilla had conversations with officials of the Department of Labor about pension policy and possible reforms.

Judson Jaffe, Staff Economist for the Council of Economic Advisers, also had communications with Treasury and Energy Department officials regarding Enron in late 2001 as part of the same overall effort to assess possible market impacts of a business failure. In approximately late October 2001, Mr. Jaffe participated in some of the conference calls that were held with Peter Fisher, Treasury Undersecretary for Domestic Finance. Other White House officials on the calls included Randy Kroszner of the CEA and Bob McNally and Pippa Malmgren of the NEC. The subject of the calls was the potential energy and financial market impacts of an Enron bankruptcy. Mr. Jaffe had a follow-up conversation in approximately late November with a member of Mr. Fisher's staff. He also had a follow-up conversation in the same time period with an individual at FERC.

In approximately mid-November 2001, Mr. Jaffe had phone conversations with officials of the DOE's Energy Information Administration regarding the implications of a possible Enron bankruptcy on energy markets.

On or before December 2, 2001, Mr. Jaffe placed phone calls to the Department of Energy to arrange for his attendance at meetings regarding the financial implications of Enron's collapse that were to be held in New York City on December 6, 2001. Mr. Jaffe may have spoken to Kevin O'Donovan of DOE about these meetings.

Beginning at the end of November, 2001, Karen Hughes, Counselor to the President, had occasional conversations and meetings with other press secretaries throughout the executive branch concerning responses to media inquiries on Enron. Similarly, Dan Bartlett, White House Communications Director, spoke to individuals at the Departments of Treasury and Commerce about press stories and media inquiries regarding Enron, although it is likely that these conversations occurred after Enron's bankruptcy on December 2, 2001.

Mr. Bartlett also had a conversation regarding Enron with a personal friend, James Glotfelty, who is Senior Policy Adviser for Electricity at the Department of Energy. Mr. Bartlett may have had this conversation with Mr. Glotfelty in late October 2001. During their conversation, Mr. Bartlett and Mr. Glotfelty discussed recent press stories regarding Enron. Mr. Bartlett did not ask Mr. Glotfelty to do anything regarding Enron, nor was Mr. Bartlett asked to do anything.

On March 6, 2001, the Executive Office of the President hosted an interagency staff meeting to discuss recommendations for nominations to the Commission on Ocean Policy. Ken Lay's name was raised as a possible nominee by the Department of Commerce representative. Subsequently, on March 7, 2002, representatives of the Council on Environmental Quality; the Office of Science and Technology Policy; the Office of Management and Budget; the National Security Council; and Presidential Personnel met to discuss the recommendations raised at the March 6 meeting, and Ken Lay was discussed.

U.S. Department of Justice

Enron Task Force

July 18, 2002

HAND DELIVERY

The Honorable Alberto R. Gonzales
White House Counsel
1600 Pennsylvania Avenue
Washington, D.C. 20502

Re: Enron-Related Records Request

Dear Judge Gonzales:

As part of an official inquiry being conducted by a Department of Justice Task Force examining various matters relating to the Enron Corporation ("Enron"), we previously have asked the Office of White House Counsel ("WHC") to preserve certain White House records. WHC has indicated that it has overseen compliance with that request. By this letter, we now ask that you provide certain specific records and information for review by the Task Force. Specifically, we ask that you provide the following items and information relating to any contacts between the Executive Office of the President ("EOP") and Enron:

1. All records reflecting any telephone, voicemail, email, or in-person contact, or attempted contact, between any employee of EOP and any executive officer (vice president level or above), director, or third party, acting on behalf of Enron (including any affiliated, subsidiary, or related-party entity), during the period September 1, 2001 through December 2, 2001, including but not limited to phone records, email, logs, message slips, memoranda, notes, documents or other information provided to EOP by or on behalf of Enron, and WAVE records of any visits. Also please identify those present during any contact.
2. Any Enron-related financial or other business information provided to EOP by or on behalf of Enron (including any affiliated, subsidiary, or related-party entity) during the period September 1, 2001 through December 2, 2001.
3. Any Enron-related financial or other business information reflected in any economic analysis conducted by any component of EOP between September 1, 2001 and December 2, 2001, including but not limited to any analysis performed by or at the direction of the Council of Economic Advisers ("CEA") and/or the Office of Policy Development/National Economic Council ("OPD"), regarding the possible implications to the U.S. economy of a bankruptcy or other significant downturn in Enron's business operations.

4. Please provide all documents, if any, relating to the following entities. In responding to this request, please provide only those documents that were obtained by EOP during the period September 1, 2001 through December 2, 2001:

Apex CDO, Ltd.

Avici

Azurix (also known as "Wessex Water", "Atlantic Water Trust", "Marlin Water Trust")

Backbone

Bargeco

Bobcat

Catalytica

Cherokee

Chewco

Condor

Cuiaba (Brazil)

Dabhol (India)

Delta

Enron Corp.

Enron Energy Services

Enron Energy & Construction Co.

Enron North America

Enron Broadband Services

Enron Americas

Enron Europe

Enron Global Markets

Enron Net Works

Enron Industrial Markets

Enron Power Marketing, Inc.

Enron Wind Corp.

Grayhawk

JEDI I

JEDI II

JEDI SPV

LJM I

LJM II

LJM III

Mahonia

Mariner

MEGS

The New Power Company

Nigerian Power Barges (Nigeria)

Nowa Sarzyna (Poland)

Osprey

Porcupine

Portland (Oregon) Gas & Electric
RADR
Rawhide
Raptor I
Raptor I-A
Raptor II
Raptor III
Raptor IV
Rawhide
RhythmsNet Connection
Southampton LLP
Southampton K Co.
Southampton Place LLP
Stoneville Aegean
Talon
Timberwolf
Whitewing
Yosemite

We ask that you provide the requested records and information to FBI Special Agent Charles Margiotta on or before August 9, 2002. Agent Margiotta can be reached at (202) 324-0063. Should you have any questions or wish to discuss this request, please contact the undersigned at (202) 305-1310.

Very truly yours,



LESLIE R. CALDWELL
Director, Enron Task Force

324-324
0069
↓
room
available

Correspondence with the Senate Governmental Affairs Committee

March 27, 2002	U.S. Senate on Governmental Affairs Committee letter to Andy Card Requesting Information on EOP's Involvement with Enron.
April 19, 2002	Letter from Judge Gonzales to the U.S. Senate on Governmental Affairs Committee Responding to the March 27 th Letter.
April 24, 2002	U.S. Senate on Governmental Affairs Committee Letter to Judge Gonzales Responding to the April 19 th Letter.
April 29, 2002	Letter from Judge Gonzales Regarding the WH Compliance Plan.
April 29, 2002	Enron Survey Sent to WH Personnel.
May 3, 2002	U.S. Senate on Governmental Affairs Committee Letter Regarding the WH Compliance Plan
May 6, 2002	Letter from Judge Gonzales Requesting a Meeting
May 7, 2002	U.S. Senate on Governmental Affairs Committee Letter to Judge Gonzales Requesting An Answer to the Committee's Questions Before A Meeting is Held
May 8, 2002	Letter from Judge Gonzales Responding to Questions Posed by the Committee
May 14, 2002	Enron Survey II Sent to WH Personnel
May 16, 2002	Letter from Judge Gonzales Updating the Committee on Efforts Undertaken to Comply with the Committee's Request for Information
May 16, 2002	U.S. Senate on Governmental Affairs Committee Letter to Judge Gonzales Regarding Issuing a Subpoena
May 22, 2002	Subpoena Issued

CARL LEVIN, MICHIGAN
DANIEL K. AKAKA, HAWAII
RICHARD J. DURBIN, ILLINOIS
ROBERT G. TORRICELLI, NEW JERSEY
MAX CLELAND, GEORGIA
THOMAS R. CARPER, DELAWARE
JEAN CARNAHAN, MISSOURI
MARK DAYTON, MINNESOTA

FRED THOMPSON, TENNESSEE
TED STEVENS, ALASKA
SUSAN M. COLLINS, MAINE
GEORGE V. VOINOVICH, OHIO
PETE V. DOMENICI, NEW MEXICO
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JOYCE A. RECHTSCHAFFEN, STAFF DIRECTOR AND COUNSEL
HANNAH S. SISTARE, MINORITY STAFF DIRECTOR AND COUNSEL

United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

March 27, 2002

Andrew H. Card Jr.
Chief of Staff
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. Card:

The collapse of Enron Corporation has served as a wake-up call for the nation's employees, investors and its governmental leadership. When Enron filed for bankruptcy in December 2001, it marked the largest corporate failure in United States history. But it is not merely the magnitude of the collapse that makes this a matter of significant public concern. Rather, what is particularly troubling is the extent to which Enron's unraveling appeared to catch the regulatory and financial communities unaware.

The rapid collapse of what was once ranked as the nation's seventh largest company demands public scrutiny. Given Enron's size, its bankruptcy financially imperils thousands of employees, as well as a far broader universe of shareholders. Just as importantly, it threatens to undermine public confidence in the market system, which depends on investors buying and selling stock based on honest reporting and fair appraisals of a company's worth.

In the wake of Enron's financial demise, the public has been asking many questions – not only about whether employees and shareholders can rely on the market to offer them fair and complete information about companies in which they wish to invest, but also whether they can depend on the government to protect them against wrongdoing by corporate and market insiders.

Pursuant to its jurisdiction to investigate the efficiency and economy of operations of all branches of the government (S. Res. 54, 107th Congress), the Senate Governmental Affairs Committee is seeking to answer some of those questions. The Committee is trying to find out whether the various federal agencies charged with overseeing or regulating part of Enron's business could have done something to detect or prevent the problems that led to the company's downfall and the losses of thousands of jobs and billions of investors' and employees' dollars. What oversight did federal regulators provide to Enron's activities? Was there more that could or should have been done to avert the collapse? Do agencies need additional authorities to be able to help provide effective oversight?

With regard to the Executive Office of the President, the Committee seeks the information outlined below. Please interpret the term "EOP" to include the Executive Office of the President and all of its units and all of their officials, employees and representatives, including the President and Vice President of the United States. Please interpret the term "Enron" to include Enron Corp., Enron Capital Trust I, and Enron Capital Trust II; their officers, directors, employees, and representatives, including anyone purporting to act on their behalf; and each of their affiliates, subsidiaries, partnerships, special purpose entities, joint ventures, trusts or any other entity in which Enron Corp., Enron Capital Trust I, or Enron Capital Trust II is or was a shareholder, partner, investor, trustee, or member. In addition, please interpret the term "communications" to mean all communications, whether written, oral, electronic, in-person or through any other means. Finally, when identifying individuals in response to these questions, please give their full name, title and the company, agency, or EOP office for which they work(ed).

- 1) a) Please list all communications from January 1, 1992 to December 2, 2001, between Enron and the EOP concerning compliance with, interpretation of, exemption or waiver from, changes to, enforcement of, or any other action with respect to the laws, regulations and policies administered or enforced by each of the following agencies; or concerning loans, loan guarantees, insurance or other financial assistance from these agencies; or otherwise referring or relating to these agencies, any part thereof, or any of its officials, employees or representatives, including the selection thereof:
 - i) U.S. Securities and Exchange Commission
 - ii) U.S. Commodity Futures Trading Commission
 - iii) U.S. Federal Energy Regulatory Commission
 - iv) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred compensation plans or other retirement, savings, or benefit plans, programs or funds
 - v) the U.S. Department of Commerce
 - vi) the U.S. Department of Energy
 - vii) the Overseas Private Investment Corporation
 - viii) the Export-Import Bank of the United States.

b) For each communication listed in response to paragraph 1a, please identify the following:

- i) For any meetings, whether in-person or through telephone or videoconferencing:
 - a. who initiated the meeting
 - b. all those who were present at the meeting
 - c. the subject matter(s) of the meeting
 - d. the date of the meeting
- ii) For all other communications:
 - a. the sender(s) of the communication
 - b. the recipient(s) of the communication
 - c. the date of the communication
 - d. the subject matter of the communication

a) Please list all communications from January 1, 1992 to December 2, 2001, between the EOP and any official, employee or representative of any federal department or agency referring or relating to Enron and concerning compliance with, interpretation of, exemption or waiver from, changes to, enforcement of, or any other action with respect to the laws, regulations and policies administered or enforced by each of the following agencies; or concerning loans, loan guarantees, insurance or other financial assistance from these agencies; or otherwise referring or relating to these agencies, any part thereof, or any of its officials, employees or representatives, including the selection thereof:

- i) U.S. Securities and Exchange Commission
- ii) U.S. Commodity Futures Trading Commission
- iii) U.S. Federal Energy Regulatory Commission
- iv) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred compensation plans or other retirement, savings, or benefit plans, programs or funds.
- v) the U.S. Department of Commerce
- vi) the U.S. Department of Energy
- vii) the Overseas Private Investment Corporation
- viii) the Export-Import Bank of the United States.

b) For each communication listed in response to paragraph 2a, please identify the following:

- i) For any meetings, whether in-person or through telephone or videoconferencing:
 - a. who initiated the meeting
 - b. all those who were present at the meeting
 - c. the subject matter(s) of the meeting
 - d. the date of the meeting
- ii) For all other communications:
 - a. the sender(s) of the communication
 - b. the recipient(s) of the communication
 - c. the date of the communication
 - d. the subject matter of the communication

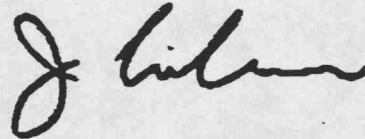
3) Please list all communications between Enron and the EOP or any member of the National Energy Policy Development Group or its staff, from January 20, 2001 to the present, referring or relating to the development of the May 2001 Report of the National Energy Policy Development Group or any of the issues discussed therein.

- a) For any meetings, whether in-person or through telephone or videoconferencing, please identify:
 - i) who initiated the meeting
 - ii) all those who were present at the meeting
 - iii) the subject matter(s) of the meeting
 - iv) the date of the meeting
- b) For all other communications, please identify:
 - i) the sender(s) of the communication
 - ii) the recipient(s) of the communication
 - iii) the date of the communication
 - iv) the subject matter of the communication

Andrew H. Card Jr.
March 27, 2002
Page 5

The Committee would appreciate your prompt attention to this request, but in any event seeks a response no later than April 12, 2002. Please contact Cynthia Lesser of my staff at 224-2627 in response to this request.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Lieberman". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Joseph I. Lieberman
Chairman

THE WHITE HOUSE
WASHINGTON

April 19, 2002

Dear Chairman Lieberman:

Thank you for your letter to Secretary Card and for discussing the letter with me. As you know, members of my staff then met with members of your staff to review the Committee's letter request for information from the White House.

At the outset, I want to emphasize our respect for your work and the work of the Committee, as well as our appreciation for the congressional inquiries into the causes and consequences of the collapse of Enron. Please be assured that the President shares your concern about the collapse and the consequences for Enron employees and shareholders. Indeed, the President and the Administration have responded rapidly to the issue by proposing important policy changes to address problems revealed by this matter. In addition, the Department of Justice and other federal agencies are conducting intensive official investigations of Enron and related entities and individuals. In short, the Administration is committed to appropriate investigative, law enforcement, and policy actions relating to the Enron bankruptcy.

I also want to emphasize that, as the Committee seeks to investigate Enron-related issues, we intend to ensure to the extent possible that the Committee receives appropriate information critical to its inquiry. We understand that the Committee is conducting an extensive investigation of Enron, which may well continue for many more months, and we want to be as helpful as we can, consistent with both the Committee's legitimate needs and the Executive Branch's traditional responsibilities and prerogatives.

With respect specifically to the letter request for information, we discussed with your staff two concerns. First, at this point, the request appears overbroad and not well-defined. For example, the letter does not identify any particular regulatory matters or subject matters in which the Committee is interested. Nor does the letter identify particular offices or individuals within the White House, or particular individuals affiliated with Enron, in whose communications the Committee is interested. Rather, the request on its face covers potential communications (about undefined subjects) between tens of thousands of individuals, the vast majority of whom are not known to us or you, such as all of Enron's "officers, directors, employees, and representatives, including anyone purporting to act on their behalf; and each of their affiliates, subsidiaries, partnerships, special purpose entities, joint ventures, trusts or any other entity in which [Enron] is or was a shareholder, partner, investor, trustee, or member."

The letter also seeks certain information that appears removed from the Committee's legitimate inquiry into the collapse of Enron. For example, the letter seeks information about the deliberations and communications of the National Energy Policy Development Group. It is not clear, however, how the activities of this group, and its report, directly relate to what your letter identifies as the focus of the Committee's investigation -- namely, "whether the various federal agencies charged with overseeing or regulating part of Enron's business could have done

something to detect or prevent the problems that led to the company's downfall and the losses of thousands of jobs and billions of investors' and employees' dollars."

Moreover, as I hope you appreciate, our concern about the letter request is especially heightened with respect to certain specific areas where the request would intrude deeply into the President's core constitutional responsibilities: for example, the President's power of nomination and appointment. Respectfully, the Constitution vests the power of nomination in the President, and congressional oversight in this area, at least absent a compelling predicate, threatens important Executive Branch prerogatives, as well as important privacy interests of candidates and others involved in the process. The letter request does not indicate any particular appointments that are of interest to the Committee, nor explain how the information relates to the Committee's investigation.

Second, and more broadly, it appears that the letter request inverts the traditional process of congressional inquiry to the White House. We think Senator Thompson put it well when he explained why he did not join in this request. He explained that the Committee's initial "focus was going to be on the external controls and watchdogs, and the federal agencies and laws, and ask why in this case they couldn't better protect the thousands of employees and investors who have suffered from Enron's untimely and unnatural demise." Senator Thompson further explained that he would be willing to follow up with the White House if "any of our other subpoenas or requests for information to Enron, Arthur Andersen or the regulatory agencies produced evidence of White House involvement." We respectfully believe that Senator Thompson has correctly outlined the traditional and appropriate congressional approach to inquiries to the White House.

In this instance, however, the Committee is seeking information from the White House without first gathering and assessing information from other entities (including federal departments) that may indicate whether there is, indeed, any real predicate for seeking information from the White House. Indeed, as your staff made clear in our meeting, the Committee has not developed information -- either from Enron, Enron officials or representatives, or federal departments and agencies -- that would establish a predicate for seeking information from the White House. Given the sensitivity and separation of powers concerns that arise from congressional requests for information from the White House, I understand that congressional committees traditionally avail themselves of alternative means to obtain information before submitting an information request to the White House.

To be sure, we are aware that in past Administrations some congressional inquiries have sought information directly from the White House before or at the same time the inquiries sought information from other departments and entities. But in those instances, it is my understanding that there generally was a specific allegation or evidence of wrongdoing by White House officials in those Administrations. In this instance, I am not aware of any such allegation or evidence.

For those reasons, we share the overall concern reflected in Senator Thompson's statement: "While I have supported several other requests for information in this matter, I cannot support the Chairman's letter. . . . There are obvious separation of powers issues here which are

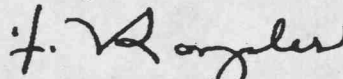
bound to lead to controversy and I believe that before Congress intrudes upon the private communications of the President of the United States, the inquiry should be focused on an appropriate legislative purpose or there should be some indication of improper or illegal White House activity.”

All of that said, we support the Committee’s objective in learning about the causes and consequences of the Enron collapse. We will attempt to assist the Committee by taking reasonable steps to gather certain information for the Committee.

First, the Administration already has provided certain information to the House of Representatives relevant to your inquiry: letters from the Chief of Staff, Director of the National Economic Council, Assistant to the President for Presidential Personnel, and Director of the Office of Management and Budget. We have enclosed that documentation in order to assist the Committee. *Second*, we will take appropriate steps to gather additional information from appropriate White House officials. *Third*, we then intend to provide to the Committee information about the results of our efforts. *Fourth*, we then intend to meet with Committee staff to assess the results of our efforts in the overall context of the Committee’s inquiry.

Thank you for your willingness to discuss the Committee’s request with me. We hope to continue a cooperative relationship with the Committee, recognizing of course that the two Branches inevitably may have somewhat different perspectives on certain sensitive issues. That difference in perspective is, however, both healthy to our constitutional government and, in my judgment, not at all inconsistent with the productive and cooperative relationship we have begun. Please do not hesitate to contact me if you have any questions.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

CARL LEVIN, MICHIGAN
 DANIEL K. AKAKA, HAWAII
 RICHARD J. DURBIN, ILLINOIS
 ROBERT G. TORRICELLI, NEW JERSEY
 MAX CLELAND, GEORGIA
 THOMAS R. CARPER, DELAWARE
 JEAN CARNAHAN, MISSOURI
 MARK DAYTON, MINNESOTA

FRED THOMPSON, TENNESSEE
 TED STEVENS, ALASKA
 SUSAN M. COLLINS, MAINE
 GEORGE V. VOINOVICH, OHIO
 PETE V. DOMENICI, NEW MEXICO
 THAD COCHRAN, MISSISSIPPI
 ROBERT F. BENNETT, UTAH
 JIM BUNNING, KENTUCKY

JOYCE A. RECHTSCHAFFEN, STAFF DIRECTOR AND COUNSEL
 RICHARD A. HERTLING, MINORITY STAFF DIRECTOR

United States Senate
 EVERETT PRESIDENT
 COURSES PRESIDENT

COMMITTEE ON
 GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

APR 24 PM 4:02

April 24, 2002

Via Facsimile 202-456-6279
 and First-Class Mail

The Honorable Alberto R. Gonzales
 Counsel to the President
 The White House
 1600 Pennsylvania Avenue, Northwest
 Washington, DC 20500

Dear Judge Gonzales:

Thank you for your letter of April 19, 2002, regarding the Committee's March 27, 2002 request to White House Chief of Staff Andrew Card for information about certain communications with or relating to Enron Corporation by the Executive Office of the President (EOP). Let me say at the outset that I appreciate very much your stated desire to be as helpful as you can to our inquiry into Enron's collapse. I think it is very important that as we move forward in this investigation, we do so in a cooperative spirit, showing the American people that its government is united in its effort to expose and solve the problems presented by that corporate debacle.

As you note in your letter, our staff met on April 11, 2002 to discuss the EOP's response to the Committee's request. Your staff raised all of the concerns discussed in your letter, and our staffs discussed them. It was our understanding after that meeting that the next step was to be that your office would propose a reasonable timeframe by which the EOP would provide the Committee with information sought in its March 27 request and, if the EOP intended to withhold any responsive information, that you would so indicate with specificity and provide the reasons why. I am concerned that your letter does neither of those things and instead indicates only that you will provide unspecified information on an unstated timeline. I trust you understand that the Committee's ability to conduct a thorough and timely inquiry depends on a more specific response about the scope and timing of information we can expect to receive from the EOP.

Your letter expresses a number of concerns about the Committee's request. Although it is unclear whether you offer these concerns as a basis for withholding information from the Committee, I will nonetheless respond to them in order to move our dialogue along. To begin with, you assert that the request is "overbroad and not well-defined." As discussed with your staff, we respectfully disagree. The request seeks communications EOP staff had with or about a single company - Enron - relating to eight federal agencies or the National Energy Policy. It does not, as your letter suggests, ask EOP staff to divine whether every person with whom they communicated may have had some unknown connection to Enron. Instead, as my staff already assured your staff, the letter intends to elicit reasonable efforts to identify EOP communications regarding the subjects outlined in the letter

with or about any person known to be working for or representing Enron. The request is not much different – and, in fact, is in many ways narrower – than requests the Committee sent to a number of federal agencies, including the Securities and Exchange Commission, the Commodity Futures Trading Commission, Federal Energy Regulatory Commission, and Department of Labor. All of those agencies, some of which have staffs larger than the EOP and each of which was asked to provide information going back more than a decade, provided the Committee with responses in a timely manner. I am confident that if you make the same best efforts to locate information that these agencies have made, you will be able to provide the Committee with a response.

Next, you question whether the Committee's request for limited information about the National Energy Policy Development Group (NEPDG) is relevant to its investigation. As the Committee's March 27 letter makes clear, the Committee is not seeking extensive information about the NEPDG's deliberations or activities, or even any information at all about the NEPDG's internal deliberations. Instead, we are seeking only contacts the EOP or NEPDG members and staff had with Enron, a nongovernmental entity that was not part of the NEPDG. As my staff explained to your staff in the April 11 meeting, the Committee's investigation encompasses a broad look at the context of Enron's interaction with the entities that regulated it, so that we can better understand why and how those charged with regulating Enron acted (or did not act) as they did. As you know, the interagency NEPDG was charged with examining, and ultimately produced a report recommending, a vast array of regulatory actions in which Enron was deeply interested and by which Enron stood to be affected. It is very much a part of the Committee's inquiry to examine these interactions.

It is for similar reasons that the Committee is seeking information regarding the selection of individuals for posts in the agencies that regulated Enron's business activities. Again, we want to understand why those regulatory agencies acted or did not act the way they did with respect to Enron. Determining whether Enron played a role – or tried unsuccessfully to play a role – in selecting those who would regulate it would advance the Committee's efforts to understand Enron's interaction with the regulatory agencies, and it may well shed light on why particular agencies took (or did not take) specific actions with respect to Enron.

Finally, you suggest that the Committee's request is at odds with the traditional process of Congressional inquiry. Respectfully, I disagree. I am unaware of either requirement or tradition suggesting that Congress, in order to seek information from the EOP, first try to obtain the information from alternative sources or make a showing of wrongdoing or malfeasance by EOP officials. As you know, the EOP weighs in on many aspects of important governmental policy, and an inquiry into the nature of governmental oversight of the issues raised by Enron cannot ignore the probability that this EOP and prior EOPs played a role in at least some of the government's relevant activity. Our requests were made pursuant to the broad jurisdiction of this Committee to investigate the efficiency and economy of operations of all branches of the government. Whether the government operated in an efficient and effective manner with respect to Enron is an inquiry within our purview, and an inquiry appropriately directed to any relevant office within the Executive

Branch, including the EOP.

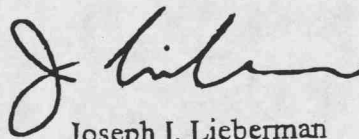
That is not to suggest that Congress need not show special sensitivity when seeking information from the EOP; I could not agree more that a healthy inter-branch respect is necessary for the government to function properly. The Committee, however, showed its respect for the EOP at the outset, by starting our investigation by giving you the opportunity to cull information for the Committee from pertinent EOP records rather than asking you to provide to the Committee the underlying documents themselves. Just as importantly, we tried to work with your staff, offering them far more time to respond to the Committee's request than has been provided to any other agency. And we will continue to work with you after you complete your search if you seek to reach reasonable accommodations regarding specific pieces of information reflecting areas of particular sensitivity. What we cannot do, however, is accept any suggestion that the EOP is largely immune from Congressional oversight, that broad swaths of activities are per se off limits, or that the EOP may decide the appropriate scope of a Congressional inquiry.

Again, I want to express my deep appreciation for your pledge to cooperate with the Committee's investigation. With nearly a month having passed since the Committee sent its information request, I am now requesting greater details as to the scope of your cooperation. In particular, I would appreciate your informing the Committee by Tuesday, April 30, 2002, of:

- 1) the efforts the EOP has made thus far to identify and collect the information requested in the Committee's March 27, 2002 letter;
- 2) what additional actions the EOP intends to take to identify and collect such information;
- 3) when the EOP plans to provide the Committee with its response; and
- 4) whether you intend to assert that a broad claim of privilege over general subject areas excuses the EOP from following the traditional practice of searching for responsive information prior to asserting particularized claims of privilege where applicable.

I look forward to hearing from you by next Tuesday. Should you have any questions, feel free to call me, or to have your staff contact Cynthia Lesser of my staff at (202) 224-4974.

Sincerely,



Joseph I. Lieberman
Chairman

THE WHITE HOUSE

WASHINGTON

April 29, 2002

Dear Chairman Lieberman:

Thank you for your letter of April 24, 2002, which seeks additional information concerning our efforts to respond to the Committee's March 27, 2002 letter of request to White House Chief of Staff Andrew Card. I appreciate the opportunity to clarify our plans for compliance with the Committee's request.

At the conclusion of the staff-level meeting, we agreed to furnish the Committee with a letter stating our position on the Committee's request and our intentions with respect to response. That letter was sent to you on April 19, 2002. We did not understand that we were to provide a fixed timeframe for response, nor did we believe that the Committee was expecting to receive a statement of intention to withhold specific responsive information. Because the scope and content of the efforts that will ultimately be necessary to satisfy the Committee's needs remain somewhat uncertain, and because we do not yet know what, if any, responsive information we have, we are not in a position to estimate with confidence response dates or to take positions with respect to the disclosure of specific items of information.

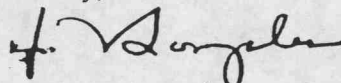
That said, I am pleased to share with you information concerning the efforts we are making to identify information the Committee has requested. Our work is already underway. We have made an initial request for information to all Assistants to the President, all Deputy Assistants to the President, and all Special Assistants to the President throughout the White House, regardless of the office in which they work. In addition, we have requested information from appropriate officials of the Office of the Vice President, the Council on Environmental Quality, the Council of Economic Advisers, the Office of Management and Budget, and the Office of the United States Trade Representative. We expect to receive responses to this initial request by May 10, 2002. Once we have had the opportunity to review the initial responses, we will be able to determine what further steps, if any, may be necessary to obtain additional helpful information. We will then follow up and gather additional information as appropriate. In general, we anticipate that the process of making follow-up requests and receiving the necessary responses will likely take approximately 3-4 weeks. We therefore hope to furnish responsive information to the Committee by early to mid-June.

While we have expressed concerns to you with respect to your requests for information relating to the presidential appointment process and the NEPDG, we are not taking any categorical position at this time with respect to information that might fall within those categories. We expect to communicate with you further concerning those requests and hope to receive further guidance. In particular, it might assist us in arriving at a constructive and helpful accommodation if the Committee would identify particular appointments on which we might focus our efforts. In addition, if the Committee believes it has a factual predicate for believing that the work of the NEPDG could shed any light on whether the government operated in an

efficient and effective manner in dealing with the collapse of Enron, respectfully, we would very much appreciate your sharing it with us. As the NEPDG merely issued a series of recommendations to the Congress, and was formally disbanded months before the collapse of Enron became apparent, we are having difficulty understanding and assessing the Committee's needs in this area. With additional guidance, we will be better able to make sound judgments concerning the propriety of disclosure of particular information and the accommodations, if any, that might be possible to allow each branch of government to satisfy its legitimate needs.

In closing, let me reiterate our desire to help the Committee discharge its responsibilities and our commitment to work with you in a constructive and cooperative spirit.

Sincerely,

A handwritten signature in dark ink, appearing to read "A. Gonzales", written in a cursive style.

Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

April 29, 2002

MEMORANDUM FOR

ALL ASSISTANTS TO THE PRESIDENT
ALL DEPUTY ASSISTANTS TO THE PRESIDENT
ALL SPECIAL ASSISTANTS TO THE PRESIDENT
DESIGNATED ADDITIONAL PERSONNEL IN
THE OFFICE OF THE VICE PRESIDENT,
THE COUNCIL OF ECONOMIC ADVISORS,
THE COUNCIL ON ENVIRONMENTAL QUALITY,
THE OFFICE OF MANAGEMENT AND BUDGET, AND
THE OFFICE OF THE U.S. TRADE REPRESENTATIVE (AS
DESIGNATED BY THE COUNSEL OR CHIEF OF STAFF IN
SUCH OFFICES)

FROM:

ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT:

ENRON SURVEY

The Chairman of the Senate Committee on Governmental Affairs has sent the White House a letter requesting certain information relating to Enron Corporation. The White House is cooperating with the Committee, and we intend to provide appropriate and responsive information.

Accordingly, we ask that you complete the attached survey and return it to my office (West Wing, Second Floor) no later than May 10, 2002.

The survey questions can be answered yes or no, and we are not asking for further explanation at this time. Instead, depending on your answers, the Counsel's Office may contact you to obtain additional information. If you are unsure whether to answer yes or no, you may check the third box, and we will contact you.

If you have any questions, please call Associate Counsels Brett Kavanaugh (6-7984), Brad Berenson (6-2318), or Chris Bartolomucci (6-7963).

ENRON SURVEY

Instructions:

You are expected to answer the following questions to the best of your knowledge and recollection.

If before answering, it would help you to review any records you may have, you should do so.

In all of the questions, "Enron" means anyone you knew was working for, or communicating on behalf of, Enron Corporation or one of its businesses.

Question One:

Between January 20, 2001, and December 2, 2001, did Enron ask you for help of any kind in connection with the company's financial difficulties?

YES _____ NO _____ I'D LIKE TO DISCUSS _____

Question Two:

Between January 20, 2001, and December 2, 2001, did you have any communications with Enron relating to any of the following:

- The U.S. Securities Exchange Commission
- The U.S. Commodities Futures Trading Commission
- The U.S. Federal Energy Regulatory Commission
- The U.S. Department of Labor
- The U.S. Department of Commerce
- The U.S. Department of Energy
- The Overseas Private Investment Corporation
- The Export-Import Bank of the United States

YES _____ NO _____ I'D LIKE TO DISCUSS _____

Question Three:

Between January 20, 2001, and December 2, 2001, did you have any communications relating to Enron with any official or employee of any of the following:

- The U.S. Securities Exchange Commission
- The U.S. Commodities Futures Trading Commission
- The U.S. Federal Energy Regulatory Commission
- The U.S. Department of Labor
- The U.S. Department of Commerce
- The U.S. Department of Energy
- The Overseas Private Investment Corporation
- The Export-Import Bank of the United States

YES _____ NO _____ I'D LIKE TO DISCUSS _____

NAME (please print):

OFFICE:

PHONE NUMBER:

SIGNATURE: _____ DATE: _____

05/06/02 MON 10:44 FAX
05/03/02 FRI 10:22 FAX

JOSEPH I. LIEBOWITZ, CONNECTICUT, CHAIRMAN

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RICHARD A. HERTLING, MINORITY STAFF DIRECTOR

United States Senate

EXEC. OFF. PRESIDENT
COUNSEL TO THE PRESIDENTCOMMITTEE ON
GOVERNMENTAL AFFAIRS

2002 MAY -3 AM 10:30

WASHINGTON, DC 20510-6250

May 3, 2002

Via Facsimile 202-456-6279
and First-Class Mail

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Judge Gonzales:

I have received your April 29, 2002, letter concerning your efforts to respond to the Committee's March 27, 2002, request for information about certain communications Executive Office of the President (EOP) officers or staff had with or relating to Enron Corporation. Although I appreciate your keeping me apprised of your progress in responding to our request, I am deeply disappointed that you have chosen to employ an overly complicated and unduly long process that seems destined to produce an inadequate response to the Committee's reasonable request.

As you know, the Committee sent the EOP an information request on March 27, 2002, as part of its inquiry into the federal government's oversight of and interactions with Enron. The Committee requested information from the EOP because of the central - and generally appropriate - role the White House and other EOP offices play in developing, coordinating and helping to implement federal policy. The Committee's EOP information request differed little from ones sent to several other agencies - including the SEC, CFTC, FERC and the Labor Department - each of which was able to provide the Committee with a timely and comprehensive response, reporting information dating back more than a decade.

In contrast, it appears from your April 29 letter that you took few, if any, concrete steps to gather responsive information for more than a month after receiving the Committee's request. Perhaps more troubling, the only step your letter reports having taken - sending a three question survey to certain EOP personnel on April 29 - almost certainly will not produce a full and timely response to the Committee's request.

To begin with, I am troubled that you have apparently limited your search for responsive information to sending a bare bones survey only to current White House officials of a certain rank and an unclear set of officials in other EOP offices, asking solely about their own contacts with Enron. It is unclear whether this search encompasses all EOP offices or just selected ones. There

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The Honorable Alberto R. Gonzales
May 3, 2002
Page 2

does not appear to be any effort to check whether the President or Vice President met or communicated with representatives of Enron, information the Committee requested. And the survey seems to exclude entirely any contacts with former EOP staff, as well as contacts with – or recalled by – EOP staff not included in your survey.

These omissions will likely be of serious consequence to the Committee's inquiry. For example, according to news reports, the Department of Energy (DOE) has asserted that Andrew Lundquist, a DOE employee detailed to direct the National Energy Policy Development Group (NEPDG) was during the time of his detail an EOP employee for the purposes of submitting information requests about his activities. Given Mr. Lundquist's portfolio, he is among the individuals most likely to have information responsive to the Committee's information request. Yet, because Mr. Lundquist has left for the private sector, your survey likely would not capture information about his communications with or about Enron and, for example, the Energy Department.

You also appear to have omitted entire search avenues used by your predecessors that are fundamental to any meaningful search – like executing a search of your e-mail and other automated systems, reviewing records of those admitted to the White House/Old Executive Office Building complex and the like. Absent a more comprehensive effort than the one you have outlined, it is hard to see how you possibly can have any degree of confidence that you have located and then provided to the Committee the information it has requested.

Even if it were possible to view sending a survey to a limited number of individuals as an adequate effort to gather the requested information, the survey you have designed still would be a problem, because it likely will not elicit even from the survey's recipients all information they have responsive to the Committee's request. To start, I am at a loss to understand why, if you are trying to obtain responsive information as soon as possible, you would offer respondents only check mark choices and explicitly direct them not to provide the details requested by the Committee – such as the identity of the persons with whom they communicated, the subjects they discussed and the dates of those interactions. I understand that you intend to have your lawyers question respondents that do not check "no," but common sense would dictate that you would at least ask respondents to provide the limited information requested by the Committee if your goal were to provide us the requested information as soon as possible.

Just as importantly, your survey does not seem designed to elicit all of the information the Committee requested. Question two of the EOP survey, for example, asks about communications with Enron relating to eight listed agencies but could easily be read as not including communications relating to the "laws, regulations, and policies administered or enforced" by these agencies – communications the Committee clearly asked about -- if the survey respondent does not recall the communications being explicitly tied to the agencies themselves. Thus, a survey question

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The Honorable Alberto R. Gonzales
May 3, 2002
Page 3

incorporating the Committee's language likely would trigger a survey respondent to reveal any discussions with Enron about the Commodity Futures Modernization Act, auditor independence, or open access to electricity transmission. Your question, in contrast, easily could deny the Committee that information unless the conversation explicitly mentioned the CFTC, SEC, or FERC. Similarly, you included in survey question three a request for recipients to indicate whether they had any communications relating to Enron with any of the eight listed agencies, but you chose to omit entirely the Committee's explicit request for communications with *other* federal agencies relating to the listed agencies. In short, the steps outlined in your letter fall far short of what could be considered reasonable efforts to collect the information the Committee requested on March 27; indeed, the narrow scope of questions asked and recipients identified make it entirely possible that, in the EOP offices covered by the Freedom of Information Act, a FOIA request would trigger a more comprehensive search than that conducted in response to this Congressional Committee's request.

The survey also fails entirely to ask about communications with Enron relating to the NEPDG. You indicate that you hope to receive "further guidance" from the Committee about this issue and ask that the Committee provide a "factual predicate" for believing that its request for these communications is relevant to the Committee's investigation. Respectfully, the Committee's April 24, 2002, letter already has explained to you the basis for our jurisdiction over this matter, as well as the reasons why we are examining this issue. We are aware of neither rule nor precedent that requires anything more. With five weeks having passed since our March 27 information request, you apparently have not even begun to collect the requested NEPDG information. That is unacceptable. If you wish to lodge an unprecedented assertion of categorical privilege over conversations with Enron related to the NEPDG, please do so; the Committee will then determine how to respond to that claim. Otherwise, please follow the traditional course, search for responsive information and, after evaluating it, discuss with the Committee any specific privilege claim you wish to assert.

On a related matter raised in your letter — that of information related to the presidential appointment process — our reading of your survey suggests that it would elicit information about communications with Enron regarding appointments to the specified agencies. If we are not correct that you are seeking that information now with the intention of discussing specific privilege claims with respect to that information after evaluating it, please let us know.

Finally, I am concerned that the timetable you have proposed — in which you anticipate that even an initial response to the Committee will likely take until early to mid-June — does not accommodate the Committee's schedule and will unnecessarily delay our investigation.

As discussed in the Committee's April 24 letter, I had hoped that the Committee's investigation into the government's activities with respect to Enron would be a cooperative one. For that reason, the Committee did not begin its investigation by seeking subpoenas, nor did it even ask any federal agency to produce documents. We chose that course because we thought it would allow

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The Honorable Alberto R. Gonzales
May 3, 2002
Page 4

us to conduct a timely yet thorough inquiry without being unduly burdensome or intrusive on the agencies whose activities we are reviewing. Agencies like FERC, CFTC, the Labor Department and the SEC have proven to us that we made the correct choice; they provided us with quick and comprehensive responses and have been cooperative when we sought additional or clarifying information. I am deeply disappointed that the same cannot be said of the EOP.

The time is fast approaching when the Committee will be seeking to wrap up the information-collecting stage of its investigation. We simply cannot be in a position of having to wait another month before starting to see an incomplete information flow from the EOP, especially when it does not appear that the EOP is making serious efforts to collect all information responsive to the Committee's request.

So that I can advise the Committee on possible next steps in its investigation, including whether to seek subpoenas, I would appreciate a response to the following questions by close of business on Tuesday, May 7:

- 1) What efforts other than the distribution of the April 29 survey has EOP undertaken to search for information responsive to the Committee's March 27 request? Is EOP searching any automated databases? Is EOP reviewing records to determine whether Enron representatives visited the EOP complex?
- 2) When were those efforts made?
- 3) Did you send the survey to all EOP offices? Why have you limited the pool of survey respondents to officials of a certain rank? Are you searching for responsive information with respect to the President and Vice-President?
- 4) What is EOP doing to determine whether former EOP employees had any contacts or communications covered by the Committee's information request?
- 5) Is EOP collecting and compiling information from survey respondents about communications with Enron regarding appointments to the listed agencies?
- 6) Will EOP be collecting and compiling information about communications with Enron regarding the NEPDG? When?

Thank you for your attention to this matter. Should you have any questions, please feel free to call me at any time or have your staff contact Cynthia Lesser of my staff at (202) 224-4974.

Sincerely,



Joseph I. Lieberman

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2005
2001



United States Senate
Committee on Governmental Affairs

JOSEPH I. LIEBERMAN, CONNECTICUT, CHAIRMAN
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HANNAH E. SYTAKE, MINORITY STAFF DIRECTOR AND COUNSEL

Majority Staff

Fax: (202) 228-3792

Office: (202) 224-2627

TO: The Honorable Alberto Gonzales FAX: 456-6279

FROM: Chairman Lieberman DATE: 5/3/2002

NUMBER OF PAGES 5 +COVER

MESSAGE/COMMENTS:

Address: Room SD-340, Washington, D.C. 20510-6250

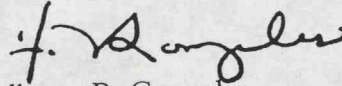
THE WHITE HOUSE
WASHINGTON

May 6, 2002

Dear Chairman Lieberman:

Thank you for your May 3 letter about the White House's effort to gather information helpful to the Committee's inquiry. Your letter identifies several questions that you have regarding that effort. After considering the exchange of correspondence we have had, I believe it would be most productive for you and I to meet to discuss the matter. I think that such a meeting, rather than more letters, is most likely to help us clarify the issues and settle on a mutually agreeable approach. I am available to meet this week and look forward to meeting with you at your convenience. I ask that your office contact my office at 456-2632 to arrange a time.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

Cc: The Honorable Fred Thompson

JOSEPH I. LIEBERMAN, CONNECTICUT, CHAIRMAN

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RICHARD A. HERTLING, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

May 7, 2002

Via Facsimile 202-456-6279
and First-Class Mail

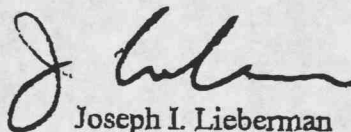
The Honorable Alberto R. Gonzales
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Judge Gonzales:

Thank you for your May 6 letter regarding the Governmental Affairs Committee's effort to obtain information from the Executive Office of the President as part of the Committee's investigation into the collapse of Enron. I would be happy to discuss the outstanding issues with you personally, and I will have my office contact you to set up a meeting for this week. In order for this meeting to be as productive as possible, however, I think it critical that prior to the meeting, we have answers in writing to the questions posed in my May 3 letter.

I look forward to seeing you later this week.

Sincerely,



Joseph I. Lieberman
Chairman

THE WHITE HOUSE

WASHINGTON

May 8, 2002

Dear Chairman Lieberman:

Thank you for your letter of May 7, 2002, and for agreeing to meet with me tomorrow to discuss the Committee's request. Our meeting should allow us to have a more efficient dialogue, and permit us to settle on an approach that is mutually acceptable to the Committee and the White House.

You asked that I inform you before the meeting about White House efforts to gather relevant information. As you know, we have distributed a survey to more than 200 White House officials and others in the EOP who are most likely to possess relevant information, including all Assistants to the President, all Deputy Assistants to the President, and all Special Assistants to the President. The survey will identify individuals who had communications relevant to the Committee's inquiry. Then, we intend to gather additional information from the identified individuals. Respectfully, we believe that this is an entirely sensible approach that will allow us to efficiently gather relevant information and appropriately respond to the Committee's inquiry, without placing unreasonable burdens on the operations of the White House.

You also asked certain specific questions, and I am happy to respond as follows:

1. We have now initiated additional steps that will include a search of the e-mail in the White House Automated Records Management System, a search of the White House Worker and Visitors Entry System (WAVES), and a search for potentially relevant documents in the possession of the Office of Records Management.

2. We expect the searches to begin within the next several days.

3. We identified the commissioned officers as the staff members most likely to have relevant information, given their levels of responsibility. We also identified those most likely to have relevant information in the other EOP offices indicated on the cover memo accompanying the survey form, and the Office of the Vice President. The President and Vice President have publicly described relevant communications they had.

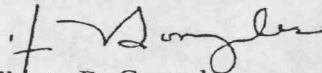
4. We are not seeking information from former employees, as they are no longer employed by the White House.

5. The survey and follow-up steps may elicit information on the subject of appointments. That said, I wish to discuss with you the Committee's legislative interest in this subject for the reasons stated in my letter of April 19.

6. The survey and follow-up steps may elicit information on the National Energy Policy Development Group. Again, however, I wish to discuss with you the Committee's interest in this matter for the reasons stated in my April 19 letter.

I look forward to meeting with you tomorrow.

Sincerely,

A handwritten signature in dark ink, appearing to read 'A. Gonzales', written in a cursive style.

Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

May 14, 2002

MEMORANDUM FOR ALL ASSISTANTS TO THE PRESIDENT
ALL DEPUTY ASSISTANTS TO THE PRESIDENT
ALL SPECIAL ASSISTANTS TO THE PRESIDENT
DESIGNATED ADDITIONAL PERSONNEL IN
THE OFFICE OF THE VICE PRESIDENT,
THE COUNCIL OF ECONOMIC ADVISORS,
THE COUNCIL ON ENVIRONMENTAL QUALITY,
THE OFFICE OF MANAGEMENT AND BUDGET, AND
THE OFFICE OF THE U.S. TRADE REPRESENTATIVE (AS
DESIGNATED BY THE COUNSEL OR CHIEF OF STAFF IN
SUCH OFFICES)

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: ENRON SURVEY II

The Chairman of the Senate Committee on Governmental Affairs has requested that we ask you **two additional questions** beyond the questions included in the survey you have already completed. We apologize for the inconvenience, but please complete the attached survey and return it to my office (West Wing, Second Floor) **no later than this Friday, May 17, 2002.**

Please read the survey questions carefully. The questions can be answered yes or no, and we are not asking for further explanation at this time. Instead, depending on your answers, the Counsel's Office may contact you to obtain additional information. If you are unsure whether to answer yes or no, you may check the third box, and we will contact you.

If you have any questions, please call Associate Counsels Brett Kavanaugh (6-7984), Brad Berenson (6-2318), or Chris Bartolomucci (6-7963).

ENRON SURVEY

Instructions:

You are expected to answer the following questions to the best of your knowledge and recollection.

If before answering, it would help you to review any records you may have, you should do so.

"Enron" means anyone you knew was working for, or communicating on behalf of, Enron Corporation or one of its businesses.

Question One:

Between January 20, 2001, and December 2, 2001, did you have any communications with Enron relating to any energy regulation, policy, law, or other issue affecting Enron's business? (Note: This question includes communications relating to the development of the May 2001 Report of the National Energy Policy Development Group.)

YES _____ NO _____ I'D LIKE TO DISCUSS _____

Question Two:

Between January 20, 2001, and December 2, 2001, did you have any communications relating to Enron with any official or employee of any Executive Branch department or agency? (Note: The Executive Office of the President and the Office of the Vice President are not departments or agencies.)

YES _____ NO _____ I'D LIKE TO DISCUSS _____

NAME (please print): _____

OFFICE: _____

PHONE NUMBER: _____

SIGNATURE: _____ DATE: _____

FILE

THE WHITE HOUSE
WASHINGTON

May 16, 2002

Dear Chairman Lieberman:

Thank you very much for meeting with me last week. The meeting was constructive and should help us move forward. Your April 24 letter to me asked that we take "reasonable efforts" to identify relevant communications with or about Enron. We have done so. We should be able to provide relevant information to the Committee in a time frame consistent with that identified by your staff in the April 11 meeting -- namely, during the month of May. I will call you shortly to discuss our substantial ongoing efforts, but I wanted to update you now on steps we are taking to assist the Committee.

First, we have now circulated two surveys to 204 Executive Office of the President (EOP) and Vice Presidential employees. We circulated a second survey to respond promptly to your request that we seek the additional information requested in this second survey. We also asked that individuals complete this second survey in under a week. For the Committee's benefit, we have provided a copy of that survey to your staff.

Second, we have begun conducting interviews of individuals who have indicated they may possess relevant information. We anticipate that these initial interviews will be completed early next week and that we also can provide the Committee at least a preliminary summary of those initial interviews next week. Our inquiries thus far have demonstrated that only a small percentage of individuals possess relevant information.

Third, we are searching the White House Worker and Visitors Entry System (WAVES) and will be able to provide the Committee with relevant information shortly.

Fourth, I have directed a search of e-mail records in the White House Automated Records Management system and in the National Security Council's separate classified e-mail system in order to assist us in gathering relevant information.

Fifth, we have begun a search for potentially relevant files in the possession of the Office of Records Management in order to assist us in gathering relevant information.

Sixth, pursuant to your request, we have furnished to you a list of the 204 individuals who received the surveys. As this list demonstrates, we have circulated the surveys to a very broad and significant group of individuals who are likely to possess any relevant information. This approach will assist us in providing relevant information to the Committee expeditiously without unreasonably disrupting the work of the Executive Office of the President and the Office of the Vice President. As we stated, moreover, we would be pleased to inquire of additional appropriate personnel suggested by the Committee.

May 16, 2002

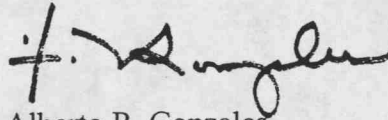
Page Two

Seventh, as we discussed, I have attached the letter that the Counsel to the Vice President sent to Congressman Waxman on January 3, 2001, in response to his inquiry concerning meetings between the Vice President or the former National Energy Policy Development Group support staff and Enron Corporation personnel.

Eighth, as we also discussed, I have attached the President's public remarks from December 28, 2001, and January 10, 2002, about his communications.

Thank you again for meeting with me last week. In my judgment, we have taken reasonable steps in response to the Committee's request, and we look forward to continuing to work with the Committee in a timely, cooperative, and constructive fashion.

Sincerely,

A handwritten signature in dark ink, appearing to read "A. Gonzales", with a stylized flourish at the end.

Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

CARL LEVIN, MICHIGAN
DANIEL K. AKAKA, HAWAII
RICHARD J. DURBIN, ILLINOIS
ROBERT G. TORRICELLI, NEW JERSEY
MAX CLELAND, GEORGIA
THOMAS R. CARPER, DELAWARE
JEAN CARNAHAN, MISSOURI
MARK DAYTON, MINNESOTA

FRED THOMPSON, TENNESSEE
TED STEVENS, ALASKA
SUSAN M. COLLINS, MAINE
GEORGE V. VOINOVICH, OHIO
THAD COCHRAN, MISSISSIPPI
ROBERT F. BENNETT, UTAH
JIM BUNNING, KENTUCKY
PETER G. FITZGERALD, ILLINOIS

JOYCE A. RECHTSCHAFFEN, STAFF DIRECTOR AND COUNSEL
RICHARD A. HERTLING, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

May 16, 2002

Via Facsimile 202-456-6279
and First-Class Mail

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Judge Gonzales:

I have received your letter dated today concerning the Committee's March 27, 2002, request for information about certain communications Executive Office of the President (EOP) officers or staff had with or relating to Enron Corporation. Because your letter fails to give the Committee a commitment to provide all information requested in the March 27 letter, I have concluded that I have no choice but to seek authorization to issue a subpoena to the EOP at the Committee's May 22 Business Meeting.

As you know, the Committee sent the EOP an information request on March 27, 2002, as part of its inquiry into the federal government's oversight of and interactions with Enron. That letter sought information about only three categories of communications – the bulk of which involved contacts with Enron – and the information the Committee sought with respect to those categories was not particularly expansive. As noted previously, this request was narrower than those sent to a number of other federal agencies – for example, the SEC, CFTC, FERC and the Labor Department – each of which was asked to provide many more categories of information and each of which was asked to recall events dating back a decade. Each of those agencies provided the Committee with detailed responses within three or four weeks of the Committee's request.

In contrast, more than seven weeks have passed since the Committee's request to the EOP, and the Committee has received virtually no information from you. Indeed, the only material you have sent us is copies of letters responding to other Congressional inquiries and a transcript of a Presidential press conference. These documents are inadequate on their face even as a partial response to the Committee's request. The letter from the Vice President's Counsel, for example, appears to address only meetings, not all communications, and even with respect to the events it discusses, fails to provide the few details sought in the Committee's March 27 letter (such as the identity of all who attended the meetings). Just as importantly, you do not indicate whether these documents purport to reflect the totality of responsive communications in which the President or

Vice President were involved or whether you are even taking steps to determine whether that is the case.

At the same time, you have not disavowed your repeated refusal to acknowledge that the Committee may rightfully ask for much of the information sought in its March 27 request and consequently have left unclear whether you intend to provide us with significant portions of the information requested. You previously told the Committee, for example, that you find the Committee's request for information about Enron-EOP communications regarding the National Energy Policy "removed from the Committee's legitimate inquiry," and that you believe that the efforts to obtain information about Enron-EOP communications regarding appointments "intrude deeply into the President's core constitutional responsibilities." You have informed me that your internal search for information "may elicit information" on these topics, but you still have declined to assure the Committee that, absent a specific and particularized claim of privilege, you will provide the Committee with all responsive information uncovered in your search.

You also have failed to provide the Committee with any assurance that your search will be reasonably calculated to produce all responsive information. As the Committee's May 3, 2002, letter explains – and as I reiterated in our May 16 meeting – sending a survey of the sort you have composed to a limited number of EOP personnel does not seem calculated to produce information about all communications covered by the Committee's March 27 request. You mention in your letter that you "would be pleased to inquire of additional appropriate personnel suggested by the Committee." I appreciate that offer, but I have already taken you up on it; as I explained at our May 16 meeting, all EOP personnel should be asked whether they have information responsive to the Committee's request. Moreover, they should be asked not just whether they themselves had such communications, but whether they have information about any such communications. It is hard to see how sending out an e-mail or memo to all EOP personnel with a request of this sort is burdensome in any manner.

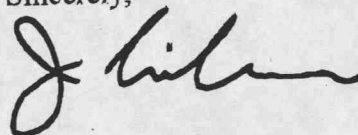
I have not ignored the fact that your May 16 letter states that you "should be able to provide relevant information to the Committee" at some point in May. However, in light of our previous correspondence, our meeting last week and your letter's failure to address the issues outlined above, I must assume that you do not intend "relevant information" to mean "all responsive information."

In short, your most recent communication has forced me to conclude that – despite the Committee's extensive efforts to resolve these issues with you and our extreme patience in waiting almost two months before demanding a response – the Committee cannot reasonably expect to receive the information sought in its March 27 request at any time in the near future. Having reached that conclusion, I regret that I have no choice but to seek authority from the Committee to issue a subpoena to the EOP at our next business meeting, which is scheduled for next Wednesday, May 22. I will ask the Committee to hold that agenda item in abeyance only if you can provide the Committee

The Honorable Alberto R. Gonzales
May 16, 2002
Page 3

with assurances that (1) you will promptly take steps to broaden the search along the lines discussed above and in the Committee's May 3 letter in order to obtain all information sought in the Committee's March 27 letter, and (2) you will provide the Committee all information sought in the Committee's March 27 letter by the end of May.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lieberman", with a stylized, cursive script.

Joseph I. Lieberman
Chairman

UNITED STATES OF AMERICA

Congress of the United States

SUBPOENA
000032

To Custodian of Records
Executive Office of the President
Washington, DC 20500

Greetings:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear before the COMMITTEE ON GOVERNMENTAL AFFAIRS of the Senate of the United States, on June 5, 2002, at 10 o'clock a.m., at its Committee Room, 342 Dirksen Senate Office Building, Washington, D.C. 20510, then and there to testify what you may know relative to the subject matters under consideration by the Committee, and to produce the materials described in the attachment hereto.

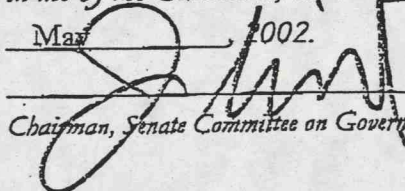
A personal appearance will be unnecessary if the materials described in Attachment A are delivered, subject to the accompanying instructions, to the Committee by 12:00 noon on June 3, 2002.

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

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

Given under my hand, by authority vested
in me by the Committee, on this 22^d day of

May, 2002.


Chairman, Senate Committee on Governmental Affairs

INSTRUCTIONS

- (1) The documents requested include all those that are in the custody, control or possession of the EOP, or within the right of custody, control or possession of the EOP, its officers, agents, employees, or representatives.
- (2) Unless otherwise indicated, the documents requested are those dated, prepared or received during the period January 1, 1992 to December 2, 2001 or that refer to, relate to or incorporate communications that took place during that time period.
- (3) You are under a continuing obligation to promptly provide additional documents responsive to this subpoena.
- (4) Each document produced shall be produced in a form that renders the document susceptible of copying, shall include all attachments and shall not be redacted.
- (5) Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when this subpoena was served or shall otherwise be identified and dated.
- (6) It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same document.
- (7) If any of the subpoenaed information is available in machine-readable form, state the form in which it is available and provide sufficient detail to allow the information to be copied to a readable format. If the information requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.
- (8) If the subpoena cannot be complied with in full, it shall be complied with to the extent possible, with an explanation of why full compliance is not possible.
- (9) In the event that a document is withheld on the basis of privilege, provide with the responses to this subpoena the following information concerning any such document: (a) the date of the document, its author, his or her occupation, title and employer, all recipients, the occupation, title and employer of each recipient, (b) the subject matter of the document, (c) the privilege claimed and a brief explanation of the basis of the claim of privilege, (d) the type of document, and (e) the relationship of the author and recipient(s) to each other.
- (10) If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances by which it ceased to be in your possession, custody, or control.
- (11) If a date set forth in this subpoena referring to a communication, meeting or other event is inaccurate, but the actual date is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date were

correct.

- (12) For each document produced, please indicate the paragraph and, where applicable, subparagraph of Attachment A to which it is responsive.

DEFINITIONS

- (1) "Enron" means Enron Corp., Enron Capital Trust I, Enron Capital Trust II, and each of their affiliates, subsidiaries, partnerships, special purpose entities, joint ventures, trusts or any other entity in which Enron Corp., Enron Capital Trust I, or Enron Capital Trust II is or was a shareholder, partner, investor, trustee, or member. The term "Enron" includes, with respect to each entity described in the previous sentence, the entity's officers, directors, employees, and representatives, including any person or entity purporting to act on their behalf or known to you to be acting on their behalf.
- (2) "Executive Office of the President" or "EOP" means the Executive Office of the President and all of its units including, but not limited to, the Office of Administration, the White House Office, the Office of the Vice President, the Office of Science and Technology Policy, the Office of Management and Budget, the Office of the Chief of Staff, the United States Trade Representative, the Office of Management and Administration, the Office of White House Counsel, the Office of Communications, the Office of Cabinet Affairs, the Office of the Staff Secretary, the Office of Speechwriting, the Office of Public Liaison, the Office of Correspondence, the Office of the Deputy Chief of Staff for Policy and Political Affairs, the Office of Information Programs, the Office of the Deputy Chief of Staff for White House Operations, the Domestic Policy Council, the Office of Federal Procurement Policy, the Office of Intergovernmental Affairs, the Office of Legislative Affairs, the Office of Media Affairs, the National Economic Council, the Office of Policy Development, the Office of Political Affairs, the Office of Strategic Initiatives, the White House Military Office, the Office of Presidential Personnel, the Office of the Press Secretary, the Office of Scheduling, the Office of Advance, the Council of Economic Advisors, the Council on Environmental Quality, the Executive Residence, the President's Foreign Intelligence Advisory Board, the National Security Council, the Office of Homeland Security, the Office of National Drug Control Policy, the Office of Faith-Based and Community Initiatives and the Office of Policy Development. The terms "Executive Office of the President" and "EOP" include, with respect to each entity described in the previous sentence, the entity's officials, employees and representatives and any person detailed to work for the entity. The terms also include the President and Vice President of the United States.
- (3) "Document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda; reports; studies; reviews; analyses; presentations; working papers; records; notes; letters; notices; confirmations; telegrams; faxes, telexes, receipts; appraisals; interoffice and intraoffice communications; electronic mail (e-mail); computer or other

electronic files; contracts; cables; notations or logs of any type of conversation, telephone call, meeting or other communication; bulletins; printed matter; computer printouts; teletype; invoices; transcripts; audio and video recordings; diaries; appointment books; returns; summaries; minutes; bills; accounts; estimates; projections; comparisons; messages; or correspondence. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

- (4) "Communication" means any contact or attempted contact or any disclosure of information, regardless of the means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in meeting, by telephone, mail, telex, facsimile, computer, discussions, releases, delivery, or otherwise.
- (5) The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The term "any" includes the term "all" and vice versa, and both terms shall be construed broadly to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes the plural number and vice versa.

Executive Office of the President
Washington, DC 20500
Attention: Custodian of Records

ATTACHMENT A

- (1) All documents relating to, referring to or incorporating communications between the EOP and Enron, including any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures, if such documents also meet the following specification:

They refer or relate in any manner to the following agencies, laws or policies administered or enforced by the following agencies, regulations or programs implemented by the following agencies, or officials, employees or representatives of the following agencies, including the appointment or selection of such officials, employees or representatives:

- (a) U.S. Securities and Exchange Commission
- (b) U.S. Commodity Futures Trading Commission
- (c) U.S. Federal Energy Regulatory Commission
- (d) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred compensation plans or other retirement, savings, or benefit plans, programs or funds
- (e) the U.S. Department of Commerce
- (f) the U.S. Department of Energy
- (g) the Overseas Private Investment Corporation
- (h) the Export-Import Bank of the United States.

- (2) All documents relating to, referring to or incorporating communications between the EOP and any official, employee or representative of any federal department or agency that refer or relate to Enron, including any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures, if such documents also meet the following specification:

They refer or relate in any manner to the following agencies, laws or policies administered or enforced by the following agencies, regulations or programs implemented by the following agencies, or officials, employees or representatives of the following agencies, including the appointment or selection of such officials, employees or representatives:

- (a) U.S. Securities and Exchange Commission
- (b) U.S. Commodity Futures Trading Commission
- (c) U.S. Federal Energy Regulatory Commission
- (d) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred

- compensation plans or other retirement, savings, or benefit plans, programs or funds
- (e) U.S. Department of Commerce
 - (f) U.S. Department of Energy
 - (g) Overseas Private Investment Corporation
 - (h) Export-Import Bank of the United States.

- (3) All documents relating to, referring to or incorporating communications between the EOP or any member of the National Energy Policy Development Group or its staff and Enron if such documents also refer or relate to the development of the May 2001 Report of the National Energy Policy Development Group or to any of the issues discussed therein, regardless of when such communications occurred. Such documents should include any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures.

May, 2002

I made service of the within subpoena by

_____ *to the within-named* _____

_____, *at* _____

_____ *at* _____

o'clock ____ *m.*, *on the* _____ *day of* May, 2002

Signed _____

April 29, 2002

MEMORANDUM FOR

ALL ASSISTANTS TO THE PRESIDENT
ALL DEPUTY ASSISTANTS TO THE PRESIDENT
ALL SPECIAL ASSISTANTS TO THE PRESIDENT
DESIGNATED ADDITIONAL PERSONNEL IN
THE OFFICE OF THE VICE PRESIDENT,
THE COUNCIL OF ECONOMIC ADVISORS,
THE COUNCIL ON ENVIRONMENTAL QUALITY,
THE OFFICE OF MANAGEMENT AND BUDGET, AND
THE OFFICE OF THE U.S. TRADE REPRESENTATIVE (AS
DESIGNATED BY THE COUNSEL OR CHIEF OF STAFF IN
SUCH OFFICES)

FROM:

ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT:

ENRON SURVEY

The Chairman of the Senate Committee on Governmental Affairs has sent the White House a letter requesting certain information relating to Enron Corporation. The White House is cooperating with the Committee, and we intend to provide appropriate and responsive information.

Accordingly, we ask that you complete the attached survey and return it to my office (West Wing, Second Floor) no later than May 10, 2002.

The survey questions can be answered yes or no, and we are not asking for further explanation at this time. Instead, depending on your answers, the Counsel's Office may contact you to obtain additional information. If you are unsure whether to answer yes or no, you may check the third box, and we will contact you.

If you have any questions, please call Associate Counsels Brett Kavanaugh (6-7984), Brad Berenson (6-2318), or Chris Bartolomucci (6-7963).

ENRON SURVEY

Instructions:

You are expected to answer the following questions to the best of your knowledge and recollection.

If before answering, it would help you to review any records you may have, you should do so.

In all of the questions, "Enron" means anyone you knew was working for, or communicating on behalf of, Enron Corporation or one of its businesses.

Question One:

Between January 20, 2001, and December 2, 2001, did Enron ask you for help of any kind in connection with the company's financial difficulties?

YES _____ NO _____ I'D LIKE TO DISCUSS _____

Question Two:

Between January 20, 2001, and December 2, 2001, did you have any communications with Enron relating to any of the following:

- The U.S. Securities Exchange Commission
- The U.S. Commodities Futures Trading Commission
- The U.S. Federal Energy Regulatory Commission
- The U.S. Department of Labor
- The U.S. Department of Commerce
- The U.S. Department of Energy
- The Overseas Private Investment Corporation
- The Export-Import Bank of the United States

YES _____ NO _____ I'D LIKE TO DISCUSS _____

Question Three:

Between January 20, 2001, and December 2, 2001, did you have any communications relating to Enron with any official or employee of any of the following:

- The U.S. Securities Exchange Commission
- The U.S. Commodities Futures Trading Commission
- The U.S. Federal Energy Regulatory Commission
- The U.S. Department of Labor
- The U.S. Department of Commerce
- The U.S. Department of Energy
- The Overseas Private Investment Corporation
- The Export-Import Bank of the United States

YES _____ NO _____ I'D LIKE TO DISCUSS _____

NAME (please print):

OFFICE:

PHONE NUMBER:

SIGNATURE: _____ DATE: _____

May 14, 2002

MEMORANDUM FOR

ALL ASSISTANTS TO THE PRESIDENT
ALL DEPUTY ASSISTANTS TO THE PRESIDENT
ALL SPECIAL ASSISTANTS TO THE PRESIDENT
DESIGNATED ADDITIONAL PERSONNEL IN
THE OFFICE OF THE VICE PRESIDENT,
THE COUNCIL OF ECONOMIC ADVISORS,
THE COUNCIL ON ENVIRONMENTAL QUALITY,
THE OFFICE OF MANAGEMENT AND BUDGET, AND
THE OFFICE OF THE U.S. TRADE REPRESENTATIVE (AS
DESIGNATED BY THE COUNSEL OR CHIEF OF STAFF IN
SUCH OFFICES)

FROM:

ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT:

ENRON SURVEY II

The Chairman of the Senate Committee on Governmental Affairs has requested that we ask you **two additional questions** beyond the questions included in the survey you have already completed. We apologize for the inconvenience, but please complete the attached survey and return it to my office (West Wing, Second Floor) **no later than this Friday, May 17, 2002.**

Please read the survey questions carefully. The questions can be answered yes or no, and we are not asking for further explanation at this time. Instead, depending on your answers, the Counsel's Office may contact you to obtain additional information. If you are unsure whether to answer yes or no, you may check the third box, and we will contact you.

If you have any questions, please call Associate Counsels Brett Kavanaugh (6-7984), Brad Berenson (6-2318), or Chris Bartolomucci (6-7963).

ENRON SURVEY

Instructions:

You are expected to answer the following questions to the best of your knowledge and recollection.

If before answering, it would help you to review any records you may have, you should do so.

"Enron" means anyone you knew was working for, or communicating on behalf of, Enron Corporation or one of its businesses.

Question One:

Between January 20, 2001, and December 2, 2001, did you have any communications with Enron relating to any energy regulation, policy, law, or other issue affecting Enron's business? (Note: This question includes communications relating to the development of the May 2001 Report of the National Energy Policy Development Group.)

YES _____ NO _____ I'D LIKE TO DISCUSS _____

Question Two:

Between January 20, 2001, and December 2, 2001, did you have any communications relating to Enron with any official or employee of any Executive Branch department or agency? (Note: The Executive Office of the President and the Office of the Vice President are not departments or agencies.)

YES _____ NO _____ I'D LIKE TO DISCUSS _____

NAME (please print):

OFFICE:

PHONE NUMBER:

SIGNATURE: _____ DATE: _____

CARL LEVIN, MICHIGAN
DANIEL K. AKAKA, HAWAII
RICHARD J. DURBIN, ILLINOIS
ROBERT G. TORRICELLI, NEW JERSEY
MAX CLELAND, GEORGIA
THOMAS R. CARPER, DELAWARE
JEAN CARNAHAN, MISSOURI
MARK DAYTON, MINNESOTA

FRED THOMPSON, TENNESSEE
TED STEVENS, ALASKA
SUSAN M. COLLINS, MAINE
GEORGE V. VOINOVICH, OHIO
PETE V. DOMENICI, NEW MEXICO
THAD COCHRAN, MISSISSIPPI
ROBERT F. BENNETT, UTAH
JIM BUNNING, KENTUCKY

JOYCE A. RECHTSCHAFFEN, STAFF DIRECTOR AND COUNSEL
HANNAH S. SISTARE, MINORITY STAFF DIRECTOR AND COUNSEL

United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

March 27, 2002

Andrew H. Card Jr.
Chief of Staff
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. Card:

The collapse of Enron Corporation has served as a wake-up call for the nation's employees, investors and its governmental leadership. When Enron filed for bankruptcy in December 2001, it marked the largest corporate failure in United States history. But it is not merely the magnitude of the collapse that makes this a matter of significant public concern. Rather, what is particularly troubling is the extent to which Enron's unraveling appeared to catch the regulatory and financial communities unaware.

The rapid collapse of what was once ranked as the nation's seventh largest company demands public scrutiny. Given Enron's size, its bankruptcy financially imperils thousands of employees, as well as a far broader universe of shareholders. Just as importantly, it threatens to undermine public confidence in the market system, which depends on investors buying and selling stock based on honest reporting and fair appraisals of a company's worth.

In the wake of Enron's financial demise, the public has been asking many questions – not only about whether employees and shareholders can rely on the market to offer them fair and complete information about companies in which they wish to invest, but also whether they can depend on the government to protect them against wrongdoing by corporate and market insiders.

Pursuant to its jurisdiction to investigate the efficiency and economy of operations of all branches of the government (S. Res. 54, 107th Congress), the Senate Governmental Affairs Committee is seeking to answer some of those questions. The Committee is trying to find out whether the various federal agencies charged with overseeing or regulating part of Enron's business could have done something to detect or prevent the problems that led to the company's downfall and the losses of thousands of jobs and billions of investors' and employees' dollars. What oversight did federal regulators provide to Enron's activities? Was there more that could or should have been done to avert the collapse? Do agencies need additional authorities to be able to help provide effective oversight?

With regard to the Executive Office of the President, the Committee seeks the information outlined below. Please interpret the term "EOP" to include the Executive Office of the President and all of its units and all of their officials, employees and representatives, including the President and Vice President of the United States. Please interpret the term "Enron" to include Enron Corp., Enron Capital Trust I, and Enron Capital Trust II; their officers, directors, employees, and representatives, including anyone purporting to act on their behalf; and each of their affiliates, subsidiaries, partnerships, special purpose entities, joint ventures, trusts or any other entity in which Enron Corp., Enron Capital Trust I, or Enron Capital Trust II is or was a shareholder, partner, investor, trustee, or member. In addition, please interpret the term "communications" to mean all communications, whether written, oral, electronic, in-person or through any other means. Finally, when identifying individuals in response to these questions, please give their full name, title and the company, agency, or EOP office for which they work(ed).

- 1) a) Please list all communications from January 1, 1992 to December 2, 2001, between Enron and the EOP concerning compliance with, interpretation of, exemption or waiver from, changes to, enforcement of, or any other action with respect to the laws, regulations and policies administered or enforced by each of the following agencies; or concerning loans, loan guarantees, insurance or other financial assistance from these agencies; or otherwise referring or relating to these agencies, any part thereof, or any of its officials, employees or representatives, including the selection thereof:
 - i) U.S. Securities and Exchange Commission
 - ii) U.S. Commodity Futures Trading Commission
 - iii) U.S. Federal Energy Regulatory Commission
 - iv) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred compensation plans or other retirement, savings, or benefit plans, programs or funds
 - v) the U.S. Department of Commerce
 - vi) the U.S. Department of Energy
 - vii) the Overseas Private Investment Corporation
 - viii) the Export-Import Bank of the United States.

b) For each communication listed in response to paragraph 1a, please identify the following:

- i) For any meetings, whether in-person or through telephone or videoconferencing:
 - a. who initiated the meeting
 - b. all those who were present at the meeting
 - c. the subject matter(s) of the meeting
 - d. the date of the meeting
- ii) For all other communications:
 - a. the sender(s) of the communication
 - b. the recipient(s) of the communication
 - c. the date of the communication
 - d. the subject matter of the communication

a) Please list all communications from January 1, 1992 to December 2, 2001, between the EOP and any official, employee or representative of any federal department or agency referring or relating to Enron and concerning compliance with, interpretation of, exemption or waiver from, changes to, enforcement of, or any other action with respect to the laws, regulations and policies administered or enforced by each of the following agencies; or concerning loans, loan guarantees, insurance or other financial assistance from these agencies; or otherwise referring or relating to these agencies, any part thereof, or any of its officials, employees or representatives, including the selection thereof:

- i) U.S. Securities and Exchange Commission
- ii) U.S. Commodity Futures Trading Commission
- iii) U.S. Federal Energy Regulatory Commission
- iv) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred compensation plans or other retirement, savings, or benefit plans, programs or funds.
- v) the U.S. Department of Commerce
- vi) the U.S. Department of Energy
- vii) the Overseas Private Investment Corporation
- viii) the Export-Import Bank of the United States.

b) For each communication listed in response to paragraph 2a, please identify the following:

- i) For any meetings, whether in-person or through telephone or videoconferencing:
 - a. who initiated the meeting
 - b. all those who were present at the meeting
 - c. the subject matter(s) of the meeting
 - d. the date of the meeting
- ii) For all other communications:
 - a. the sender(s) of the communication
 - b. the recipient(s) of the communication
 - c. the date of the communication
 - d. the subject matter of the communication

3) Please list all communications between Enron and the EOP or any member of the National Energy Policy Development Group or its staff, from January 20, 2001 to the present, referring or relating to the development of the May 2001 Report of the National Energy Policy Development Group or any of the issues discussed therein.

- a) For any meetings, whether in-person or through telephone or videoconferencing, please identify:
 - i) who initiated the meeting
 - ii) all those who were present at the meeting
 - iii) the subject matter(s) of the meeting
 - iv) the date of the meeting
- b) For all other communications, please identify:
 - i) the sender(s) of the communication
 - ii) the recipient(s) of the communication
 - iii) the date of the communication
 - iv) the subject matter of the communication

Andrew H. Card Jr.
March 27, 2002
Page 5

The Committee would appreciate your prompt attention to this request, but in any event seeks a response no later than April 12, 2002. Please contact Cynthia Lesser of my staff at 224-2627 in response to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lieberman". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Joseph I. Lieberman
Chairman

THE WHITE HOUSE
WASHINGTON

April 19, 2002

Dear Chairman Lieberman:

Thank you for your letter to Secretary Card and for discussing the letter with me. As you know, members of my staff then met with members of your staff to review the Committee's letter request for information from the White House.

At the outset, I want to emphasize our respect for your work and the work of the Committee, as well as our appreciation for the congressional inquiries into the causes and consequences of the collapse of Enron. Please be assured that the President shares your concern about the collapse and the consequences for Enron employees and shareholders. Indeed, the President and the Administration have responded rapidly to the issue by proposing important policy changes to address problems revealed by this matter. In addition, the Department of Justice and other federal agencies are conducting intensive official investigations of Enron and related entities and individuals. In short, the Administration is committed to appropriate investigative, law enforcement, and policy actions relating to the Enron bankruptcy.

I also want to emphasize that, as the Committee seeks to investigate Enron-related issues, we intend to ensure to the extent possible that the Committee receives appropriate information critical to its inquiry. We understand that the Committee is conducting an extensive investigation of Enron, which may well continue for many more months, and we want to be as helpful as we can, consistent with both the Committee's legitimate needs and the Executive Branch's traditional responsibilities and prerogatives.

With respect specifically to the letter request for information, we discussed with your staff two concerns. First, at this point, the request appears overbroad and not well-defined. For example, the letter does not identify any particular regulatory matters or subject matters in which the Committee is interested. Nor does the letter identify particular offices or individuals within the White House, or particular individuals affiliated with Enron, in whose communications the Committee is interested. Rather, the request on its face covers potential communications (about undefined subjects) between tens of thousands of individuals, the vast majority of whom are not known to us or you, such as all of Enron's "officers, directors, employees, and representatives, including anyone purporting to act on their behalf; and each of their affiliates, subsidiaries, partnerships, special purpose entities, joint ventures, trusts or any other entity in which [Enron] is or was a shareholder, partner, investor, trustee, or member."

The letter also seeks certain information that appears removed from the Committee's legitimate inquiry into the collapse of Enron. For example, the letter seeks information about the deliberations and communications of the National Energy Policy Development Group. It is not clear, however, how the activities of this group, and its report, directly relate to what your letter identifies as the focus of the Committee's investigation -- namely, "whether the various federal agencies charged with overseeing or regulating part of Enron's business could have done

something to detect or prevent the problems that led to the company's downfall and the losses of thousands of jobs and billions of investors' and employees' dollars."

Moreover, as I hope you appreciate, our concern about the letter request is especially heightened with respect to certain specific areas where the request would intrude deeply into the President's core constitutional responsibilities: for example, the President's power of nomination and appointment. Respectfully, the Constitution vests the power of nomination in the President, and congressional oversight in this area, at least absent a compelling predicate, threatens important Executive Branch prerogatives, as well as important privacy interests of candidates and others involved in the process. The letter request does not indicate any particular appointments that are of interest to the Committee, nor explain how the information relates to the Committee's investigation.

Second, and more broadly, it appears that the letter request inverts the traditional process of congressional inquiry to the White House. We think Senator Thompson put it well when he explained why he did not join in this request. He explained that the Committee's initial "focus was going to be on the external controls and watchdogs, and the federal agencies and laws, and ask why in this case they couldn't better protect the thousands of employees and investors who have suffered from Enron's untimely and unnatural demise." Senator Thompson further explained that he would be willing to follow up with the White House if "any of our other subpoenas or requests for information to Enron, Arthur Andersen or the regulatory agencies produced evidence of White House involvement." We respectfully believe that Senator Thompson has correctly outlined the traditional and appropriate congressional approach to inquiries to the White House.

In this instance, however, the Committee is seeking information from the White House without first gathering and assessing information from other entities (including federal departments) that may indicate whether there is, indeed, any real predicate for seeking information from the White House. Indeed, as your staff made clear in our meeting, the Committee has not developed information -- either from Enron, Enron officials or representatives, or federal departments and agencies -- that would establish a predicate for seeking information from the White House. Given the sensitivity and separation of powers concerns that arise from congressional requests for information from the White House, I understand that congressional committees traditionally avail themselves of alternative means to obtain information before submitting an information request to the White House.

To be sure, we are aware that in past Administrations some congressional inquiries have sought information directly from the White House before or at the same time the inquiries sought information from other departments and entities. But in those instances, it is my understanding that there generally was a specific allegation or evidence of wrongdoing by White House officials in those Administrations. In this instance, I am not aware of any such allegation or evidence.

For those reasons, we share the overall concern reflected in Senator Thompson's statement: "While I have supported several other requests for information in this matter, I cannot support the Chairman's letter. . . . There are obvious separation of powers issues here which are

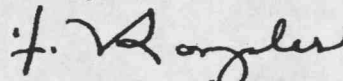
bound to lead to controversy and I believe that before Congress intrudes upon the private communications of the President of the United States, the inquiry should be focused on an appropriate legislative purpose or there should be some indication of improper or illegal White House activity."

All of that said, we support the Committee's objective in learning about the causes and consequences of the Enron collapse. We will attempt to assist the Committee by taking reasonable steps to gather certain information for the Committee.

First, the Administration already has provided certain information to the House of Representatives relevant to your inquiry: letters from the Chief of Staff, Director of the National Economic Council, Assistant to the President for Presidential Personnel, and Director of the Office of Management and Budget. We have enclosed that documentation in order to assist the Committee. *Second*, we will take appropriate steps to gather additional information from appropriate White House officials. *Third*, we then intend to provide to the Committee information about the results of our efforts. *Fourth*, we then intend to meet with Committee staff to assess the results of our efforts in the overall context of the Committee's inquiry.

Thank you for your willingness to discuss the Committee's request with me. We hope to continue a cooperative relationship with the Committee, recognizing of course that the two Branches inevitably may have somewhat different perspectives on certain sensitive issues. That difference in perspective is, however, both healthy to our constitutional government and, in my judgment, not at all inconsistent with the productive and cooperative relationship we have begun. Please do not hesitate to contact me if you have any questions.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

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United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

APR 24 PM 4:02

April 24, 2002

Via Facsimile 202-456-6279
and First-Class Mail

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
1600 Pennsylvania Avenue, Northwest
Washington, DC 20500

Dear Judge Gonzales:

Thank you for your letter of April 19, 2002, regarding the Committee's March 27, 2002 request to White House Chief of Staff Andrew Card for information about certain communications with or relating to Enron Corporation by the Executive Office of the President (EOP). Let me say at the outset that I appreciate very much your stated desire to be as helpful as you can to our inquiry into Enron's collapse. I think it is very important that as we move forward in this investigation, we do so in a cooperative spirit, showing the American people that its government is united in its effort to expose and solve the problems presented by that corporate debacle.

As you note in your letter, our staff met on April 11, 2002 to discuss the EOP's response to the Committee's request. Your staff raised all of the concerns discussed in your letter, and our staffs discussed them. It was our understanding after that meeting that the next step was to be that your office would propose a reasonable timeframe by which the EOP would provide the Committee with information sought in its March 27 request and, if the EOP intended to withhold any responsive information, that you would so indicate with specificity and provide the reasons why. I am concerned that your letter does neither of those things and instead indicates only that you will provide unspecified information on an unstated timeline. I trust you understand that the Committee's ability to conduct a thorough and timely inquiry depends on a more specific response about the scope and timing of information we can expect to receive from the EOP.

Your letter expresses a number of concerns about the Committee's request. Although it is unclear whether you offer these concerns as a basis for withholding information from the Committee, I will nonetheless respond to them in order to move our dialogue along. To begin with, you assert that the request is "overbroad and not well-defined." As discussed with your staff, we respectfully disagree. The request seeks communications EOP staff had with or about a single company - Enron - relating to eight federal agencies or the National Energy Policy. It does not, as your letter suggests, ask EOP staff to divine whether every person with whom they communicated may have had some unknown connection to Enron. Instead, as my staff already assured your staff, the letter intends to elicit reasonable efforts to identify EOP communications regarding the subjects outlined in the letter.

with or about any person known to be working for or representing Enron. The request is not much different – and, in fact, is in many ways narrower – than requests the Committee sent to a number of federal agencies, including the Securities and Exchange Commission, the Commodity Futures Trading Commission, Federal Energy Regulatory Commission, and Department of Labor. All of those agencies, some of which have staffs larger than the EOP and each of which was asked to provide information going back more than a decade, provided the Committee with responses in a timely manner. I am confident that if you make the same best efforts to locate information that these agencies have made, you will be able to provide the Committee with a response.

Next, you question whether the Committee's request for limited information about the National Energy Policy Development Group (NEPDG) is relevant to its investigation. As the Committee's March 27 letter makes clear, the Committee is not seeking extensive information about the NEPDG's deliberations or activities, or even any information at all about the NEPDG's internal deliberations. Instead, we are seeking only contacts the EOP or NEPDG members and staff had with Enron, a nongovernmental entity that was not part of the NEPDG. As my staff explained to your staff in the April 11 meeting, the Committee's investigation encompasses a broad look at the context of Enron's interaction with the entities that regulated it, so that we can better understand why and how those charged with regulating Enron acted (or did not act) as they did. As you know, the interagency NEPDG was charged with examining, and ultimately produced a report recommending, a vast array of regulatory actions in which Enron was deeply interested and by which Enron stood to be affected. It is very much a part of the Committee's inquiry to examine these interactions.

It is for similar reasons that the Committee is seeking information regarding the selection of individuals for posts in the agencies that regulated Enron's business activities. Again, we want to understand why those regulatory agencies acted or did not act the way they did with respect to Enron. Determining whether Enron played a role – or tried unsuccessfully to play a role – in selecting those who would regulate it would advance the Committee's efforts to understand Enron's interaction with the regulatory agencies, and it may well shed light on why particular agencies took (or did not take) specific actions with respect to Enron.

Finally, you suggest that the Committee's request is at odds with the traditional process of Congressional inquiry. Respectfully, I disagree. I am unaware of either requirement or tradition suggesting that Congress, in order to seek information from the EOP, first try to obtain the information from alternative sources or make a showing of wrongdoing or malfeasance by EOP officials. As you know, the EOP weighs in on many aspects of important governmental policy, and an inquiry into the nature of governmental oversight of the issues raised by Enron cannot ignore the probability that this EOP and prior EOPs played a role in at least some of the government's relevant activity. Our requests were made pursuant to the broad jurisdiction of this Committee to investigate the efficiency and economy of operations of all branches of the government. Whether the government operated in an efficient and effective manner with respect to Enron is an inquiry within our purview, and an inquiry appropriately directed to any relevant office within the Executive

The Honorable Alberto R. Gonzales
April 24, 2002
Page 3

Branch, including the EOP.

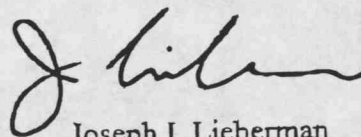
That is not to suggest that Congress need not show special sensitivity when seeking information from the EOP; I could not agree more that a healthy inter-branch respect is necessary for the government to function properly. The Committee, however, showed its respect for the EOP at the outset, by starting our investigation by giving you the opportunity to cull information for the Committee from pertinent EOP records rather than asking you to provide to the Committee the underlying documents themselves. Just as importantly, we tried to work with your staff, offering them far more time to respond to the Committee's request than has been provided to any other agency. And we will continue to work with you after you complete your search if you seek to reach reasonable accommodations regarding specific pieces of information reflecting areas of particular sensitivity. What we cannot do, however, is accept any suggestion that the EOP is largely immune from Congressional oversight, that broad swaths of activities are per se off limits, or that the EOP may decide the appropriate scope of a Congressional inquiry.

Again, I want to express my deep appreciation for your pledge to cooperate with the Committee's investigation. With nearly a month having passed since the Committee sent its information request, I am now requesting greater details as to the scope of your cooperation. In particular, I would appreciate your informing the Committee by Tuesday, April 30, 2002, of:

- 1) the efforts the EOP has made thus far to identify and collect the information requested in the Committee's March 27, 2002 letter;
- 2) what additional actions the EOP intends to take to identify and collect such information;
- 3) when the EOP plans to provide the Committee with its response; and
- 4) whether you intend to assert that a broad claim of privilege over general subject areas excuses the EOP from following the traditional practice of searching for responsive information prior to asserting particularized claims of privilege where applicable.

I look forward to hearing from you by next Tuesday. Should you have any questions, feel free to call me, or to have your staff contact Cynthia Lesser of my staff at (202) 224-4974.

Sincerely,



Joseph I. Lieberman
Chairman

THE WHITE HOUSE

WASHINGTON

April 29, 2002

Dear Chairman Lieberman:

Thank you for your letter of April 24, 2002, which seeks additional information concerning our efforts to respond to the Committee's March 27, 2002 letter of request to White House Chief of Staff Andrew Card. I appreciate the opportunity to clarify our plans for compliance with the Committee's request.

At the conclusion of the staff-level meeting, we agreed to furnish the Committee with a letter stating our position on the Committee's request and our intentions with respect to response. That letter was sent to you on April 19, 2002. We did not understand that we were to provide a fixed timeframe for response, nor did we believe that the Committee was expecting to receive a statement of intention to withhold specific responsive information. Because the scope and content of the efforts that will ultimately be necessary to satisfy the Committee's needs remain somewhat uncertain, and because we do not yet know what, if any, responsive information we have, we are not in a position to estimate with confidence response dates or to take positions with respect to the disclosure of specific items of information.

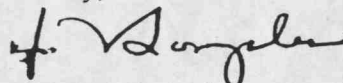
That said, I am pleased to share with you information concerning the efforts we are making to identify information the Committee has requested. Our work is already underway. We have made an initial request for information to all Assistants to the President, all Deputy Assistants to the President, and all Special Assistants to the President throughout the White House, regardless of the office in which they work. In addition, we have requested information from appropriate officials of the Office of the Vice President, the Council on Environmental Quality, the Council of Economic Advisers, the Office of Management and Budget, and the Office of the United States Trade Representative. We expect to receive responses to this initial request by May 10, 2002. Once we have had the opportunity to review the initial responses, we will be able to determine what further steps, if any, may be necessary to obtain additional helpful information. We will then follow up and gather additional information as appropriate. In general, we anticipate that the process of making follow-up requests and receiving the necessary responses will likely take approximately 3-4 weeks. We therefore hope to furnish responsive information to the Committee by early to mid-June.

While we have expressed concerns to you with respect to your requests for information relating to the presidential appointment process and the NEPDG, we are not taking any categorical position at this time with respect to information that might fall within those categories. We expect to communicate with you further concerning those requests and hope to receive further guidance. In particular, it might assist us in arriving at a constructive and helpful accommodation if the Committee would identify particular appointments on which we might focus our efforts. In addition, if the Committee believes it has a factual predicate for believing that the work of the NEPDG could shed any light on whether the government operated in an

efficient and effective manner in dealing with the collapse of Enron, respectfully, we would very much appreciate your sharing it with us. As the NEPDG merely issued a series of recommendations to the Congress, and was formally disbanded months before the collapse of Enron became apparent, we are having difficulty understanding and assessing the Committee's needs in this area. With additional guidance, we will be better able to make sound judgments concerning the propriety of disclosure of particular information and the accommodations, if any, that might be possible to allow each branch of government to satisfy its legitimate needs.

In closing, let me reiterate our desire to help the Committee discharge its responsibilities and our commitment to work with you in a constructive and cooperative spirit.

Sincerely,

A handwritten signature in dark ink, appearing to read "A. Gonzales", written in a cursive style.

Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

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05/03/02 FRI 10:22 FAX

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EXEC. OFC. PRESIDENT
COUNSEL TO THE PRESIDENT

COMMITTEE ON
GOVERNMENTAL AFFAIRS

2002 MAY -3 AM 10:30

WASHINGTON, DC 20510-6250

May 3, 2002

Via Facsimile 202-456-6279
and First-Class Mail

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Judge Gonzales:

I have received your April 29, 2002, letter concerning your efforts to respond to the Committee's March 27, 2002, request for information about certain communications Executive Office of the President (EOP) officers or staff had with or relating to Enron Corporation. Although I appreciate your keeping me apprised of your progress in responding to our request, I am deeply disappointed that you have chosen to employ an overly complicated and unduly long process that seems destined to produce an inadequate response to the Committee's reasonable request.

As you know, the Committee sent the EOP an information request on March 27, 2002, as part of its inquiry into the federal government's oversight of and interactions with Enron. The Committee requested information from the EOP because of the central – and generally appropriate – role the White House and other EOP offices play in developing, coordinating and helping to implement federal policy. The Committee's EOP information request differed little from ones sent to several other agencies – including the SEC, CFTC, FERC and the Labor Department – each of which was able to provide the Committee with a timely and comprehensive response, reporting information dating back more than a decade.

In contrast, it appears from your April 29 letter that you took few, if any, concrete steps to gather responsive information for more than a month after receiving the Committee's request. Perhaps more troubling, the only step your letter reports having taken – sending a three question survey to certain EOP personnel on April 29 – almost certainly will not produce a full and timely response to the Committee's request.

To begin with, I am troubled that you have apparently limited your search for responsive information to sending a bare bones survey only to current White House officials of a certain rank and an unclear set of officials in other EOP offices, asking solely about their own contacts with Enron. It is unclear whether this search encompasses all EOP offices or just selected ones. There

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May 3, 2002
Page 2

does not appear to be any effort to check whether the President or Vice President met or communicated with representatives of Enron, information the Committee requested. And the survey seems to exclude entirely any contacts with former EOP staff, as well as contacts with – or recalled by – EOP staff not included in your survey.

These omissions will likely be of serious consequence to the Committee's inquiry. For example, according to news reports, the Department of Energy (DOE) has asserted that Andrew Lundquist, a DOE employee detailed to direct the National Energy Policy Development Group (NEPDG) was during the time of his detail an EOP employee for the purposes of submitting information requests about his activities. Given Mr. Lundquist's portfolio, he is among the individuals most likely to have information responsive to the Committee's information request. Yet, because Mr. Lundquist has left for the private sector, your survey likely would not capture information about his communications with or about Enron and, for example, the Energy Department.

You also appear to have omitted entire search avenues used by your predecessors that are fundamental to any meaningful search – like executing a search of your e-mail and other automated systems, reviewing records of those admitted to the White House/Old Executive Office Building complex and the like. Absent a more comprehensive effort than the one you have outlined, it is hard to see how you possibly can have any degree of confidence that you have located and then provided to the Committee the information it has requested.

Even if it were possible to view sending a survey to a limited number of individuals as an adequate effort to gather the requested information, the survey you have designed still would be a problem, because it likely will not elicit even from the survey's recipients all information they have responsive to the Committee's request. To start, I am at a loss to understand why, if you are trying to obtain responsive information as soon as possible, you would offer respondents only check mark choices and explicitly direct them not to provide the details requested by the Committee – such as the identity of the persons with whom they communicated, the subjects they discussed and the dates of those interactions. I understand that you intend to have your lawyers question respondents that do not check "no," but common sense would dictate that you would at least ask respondents to provide the limited information requested by the Committee if your goal were to provide us the requested information as soon as possible.

Just as importantly, your survey does not seem designed to elicit all of the information the Committee requested. Question two of the EOP survey, for example, asks about communications with Enron relating to eight listed agencies but could easily be read as not including communications relating to the "laws, regulations, and policies administered or enforced" by these agencies – communications the Committee clearly asked about -- if the survey respondent does not recall the communications being explicitly tied to the agencies themselves. Thus, a survey question

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The Honorable Alberto R. Gonzales
May 3, 2002
Page 3

incorporating the Committee's language likely would trigger a survey respondent to reveal any discussions with Enron about the Commodity Futures Modernization Act, auditor independence, or open access to electricity transmission. Your question, in contrast, easily could deny the Committee that information unless the conversation explicitly mentioned the CFTC, SEC, or FERC. Similarly, you included in survey question three a request for recipients to indicate whether they had any communications relating to Enron with any of the eight listed agencies, but you chose to omit entirely the Committee's explicit request for communications with *other* federal agencies relating to the listed agencies. In short, the steps outlined in your letter fall far short of what could be considered reasonable efforts to collect the information the Committee requested on March 27; indeed, the narrow scope of questions asked and recipients identified make it entirely possible that, in the EOP offices covered by the Freedom of Information Act, a FOIA request would trigger a more comprehensive search than that conducted in response to this Congressional Committee's request.

The survey also fails entirely to ask about communications with Enron relating to the NEPDG. You indicate that you hope to receive "further guidance" from the Committee about this issue and ask that the Committee provide a "factual predicate" for believing that its request for these communications is relevant to the Committee's investigation. Respectfully, the Committee's April 24, 2002, letter already has explained to you the basis for our jurisdiction over this matter, as well as the reasons why we are examining this issue. We are aware of neither rule nor precedent that requires anything more. With five weeks having passed since our March 27 information request, you apparently have not even begun to collect the requested NEPDG information. That is unacceptable. If you wish to lodge an unprecedented assertion of categorical privilege over conversations with Enron related to the NEPDG, please do so; the Committee will then determine how to respond to that claim. Otherwise, please follow the traditional course, search for responsive information and, after evaluating it, discuss with the Committee any specific privilege claim you wish to assert.

On a related matter raised in your letter — that of information related to the presidential appointment process — our reading of your survey suggests that it would elicit information about communications with Enron regarding appointments to the specified agencies. If we are not correct that you are seeking that information now with the intention of discussing specific privilege claims with respect to that information after evaluating it, please let us know.

Finally, I am concerned that the timetable you have proposed — in which you anticipate that even an initial response to the Committee will likely take until early to mid-June — does not accommodate the Committee's schedule and will unnecessarily delay our investigation.

As discussed in the Committee's April 24 letter, I had hoped that the Committee's investigation into the government's activities with respect to Enron would be a cooperative one. For that reason, the Committee did not begin its investigation by seeking subpoenas, nor did it even ask any federal agency to produce documents. We chose that course because we thought it would allow

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The Honorable Alberto R. Gonzales
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us to conduct a timely yet thorough inquiry without being unduly burdensome or intrusive on the agencies whose activities we are reviewing. Agencies like FERC, CFTC, the Labor Department and the SEC have proven to us that we made the correct choice; they provided us with quick and comprehensive responses and have been cooperative when we sought additional or clarifying information. I am deeply disappointed that the same cannot be said of the EOP.

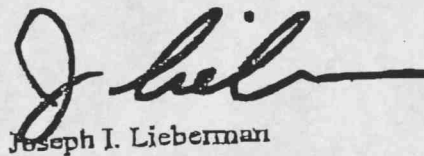
The time is fast approaching when the Committee will be seeking to wrap up the information-collecting stage of its investigation. We simply cannot be in a position of having to wait another month before starting to see an incomplete information flow from the EOP, especially when it does not appear that the EOP is making serious efforts to collect all information responsive to the Committee's request.

So that I can advise the Committee on possible next steps in its investigation, including whether to seek subpoenas, I would appreciate a response to the following questions by close of business on Tuesday, May 7:

- 1) What efforts other than the distribution of the April 29 survey has EOP undertaken to search for information responsive to the Committee's March 27 request? Is EOP searching any automated databases? Is EOP reviewing records to determine whether Enron representatives visited the EOP complex?
- 2) When were those efforts made?
- 3) Did you send the survey to all EOP offices? Why have you limited the pool of survey respondents to officials of a certain rank? Are you searching for responsive information with respect to the President and Vice-President?
- 4) What is EOP doing to determine whether former EOP employees had any contacts or communications covered by the Committee's information request?
- 5) Is EOP collecting and compiling information from survey respondents about communications with Enron regarding appointments to the listed agencies?
- 6) Will EOP be collecting and compiling information about communications with Enron regarding the NEPDG? When?

Thank you for your attention to this matter. Should you have any questions, please feel free to call me at any time or have your staff contact Cynthia Lesser of my staff at (202) 224-4974.

Sincerely,



Joseph I. Lieberman

05/06/02 MON 10:45 FAX

05/03/02 FRI 10:21 FAX

12005
12001

**United States Senate
Committee on Governmental Affairs**

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JOYCE A. BLONTSCHAFER, STAFF DIRECTOR AND COUNSEL
 HANNAH E. STYART, MINORITY STAFF DIRECTOR AND COUNSEL

Majority Staff

Fax: (202) 228-3792

Office: (202) 224-2627

TO: The Honorable Alberto Gonzales FAX: 456-6279

FROM: Chairman Lieberman DATE: 5/3/2002

NUMBER OF PAGES 5 +COVER

MESSAGE/COMMENTS:

Address: Room SD-340, Washington, D.C. 20510-6250

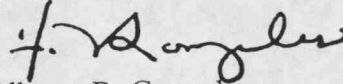
THE WHITE HOUSE
WASHINGTON

May 6, 2002

Dear Chairman Lieberman:

Thank you for your May 3 letter about the White House's effort to gather information helpful to the Committee's inquiry. Your letter identifies several questions that you have regarding that effort. After considering the exchange of correspondence we have had, I believe it would be most productive for you and I to meet to discuss the matter. I think that such a meeting, rather than more letters, is most likely to help us clarify the issues and settle on a mutually agreeable approach. I am available to meet this week and look forward to meeting with you at your convenience. I ask that your office contact my office at 456-2632 to arrange a time.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

Cc: The Honorable Fred Thompson

JOSEPH I. LIEBERMAN, CONNECTICUT, CHAIRMAN

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RICHARD A. MERTLING, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

May 7, 2002

Via Facsimile 202-456-6279
and First-Class Mail

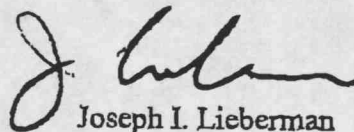
The Honorable Alberto R. Gonzales
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Judge Gonzales:

Thank you for your May 6 letter regarding the Governmental Affairs Committee's effort to obtain information from the Executive Office of the President as part of the Committee's investigation into the collapse of Enron. I would be happy to discuss the outstanding issues with you personally, and I will have my office contact you to set up a meeting for this week. In order for this meeting to be as productive as possible, however, I think it critical that prior to the meeting, we have answers in writing to the questions posed in my May 3 letter.

I look forward to seeing you later this week.

Sincerely,



Joseph I. Lieberman
Chairman

THE WHITE HOUSE

WASHINGTON

May 8, 2002

Dear Chairman Lieberman:

Thank you for your letter of May 7, 2002, and for agreeing to meet with me tomorrow to discuss the Committee's request. Our meeting should allow us to have a more efficient dialogue, and permit us to settle on an approach that is mutually acceptable to the Committee and the White House.

You asked that I inform you before the meeting about White House efforts to gather relevant information. As you know, we have distributed a survey to more than 200 White House officials and others in the EOP who are most likely to possess relevant information, including all Assistants to the President, all Deputy Assistants to the President, and all Special Assistants to the President. The survey will identify individuals who had communications relevant to the Committee's inquiry. Then, we intend to gather additional information from the identified individuals. Respectfully, we believe that this is an entirely sensible approach that will allow us to efficiently gather relevant information and appropriately respond to the Committee's inquiry, without placing unreasonable burdens on the operations of the White House.

You also asked certain specific questions, and I am happy to respond as follows:

1. We have now initiated additional steps that will include a search of the e-mail in the White House Automated Records Management System, a search of the White House Worker and Visitors Entry System (WAVES), and a search for potentially relevant documents in the possession of the Office of Records Management.

2. We expect the searches to begin within the next several days.

3. We identified the commissioned officers as the staff members most likely to have relevant information, given their levels of responsibility. We also identified those most likely to have relevant information in the other EOP offices indicated on the cover memo accompanying the survey form, and the Office of the Vice President. The President and Vice President have publicly described relevant communications they had.

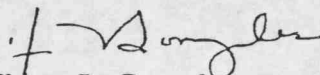
4. We are not seeking information from former employees, as they are no longer employed by the White House.

5. The survey and follow-up steps may elicit information on the subject of appointments. That said, I wish to discuss with you the Committee's legislative interest in this subject for the reasons stated in my letter of April 19.

6. The survey and follow-up steps may elicit information on the National Energy Policy Development Group. Again, however, I wish to discuss with you the Committee's interest in this matter for the reasons stated in my April 19 letter.

I look forward to meeting with you tomorrow.

Sincerely,

A handwritten signature in dark ink, appearing to read 'A. Gonzales', with a stylized flourish at the end.

Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

FILE

**THE WHITE HOUSE
WASHINGTON**

May 16, 2002

Dear Chairman Lieberman:

Thank you very much for meeting with me last week. The meeting was constructive and should help us move forward. Your April 24 letter to me asked that we take "reasonable efforts" to identify relevant communications with or about Enron. We have done so. We should be able to provide relevant information to the Committee in a time frame consistent with that identified by your staff in the April 11 meeting -- namely, during the month of May. I will call you shortly to discuss our substantial ongoing efforts, but I wanted to update you now on steps we are taking to assist the Committee.

First, we have now circulated two surveys to 204 Executive Office of the President (EOP) and Vice Presidential employees. We circulated a second survey to respond promptly to your request that we seek the additional information requested in this second survey. We also asked that individuals complete this second survey in under a week. For the Committee's benefit, we have provided a copy of that survey to your staff.

Second, we have begun conducting interviews of individuals who have indicated they may possess relevant information. We anticipate that these initial interviews will be completed early next week and that we also can provide the Committee at least a preliminary summary of those initial interviews next week. Our inquiries thus far have demonstrated that only a small percentage of individuals possess relevant information.

Third, we are searching the White House Worker and Visitors Entry System (WAVES) and will be able to provide the Committee with relevant information shortly.

Fourth, I have directed a search of e-mail records in the White House Automated Records Management system and in the National Security Council's separate classified e-mail system in order to assist us in gathering relevant information.

Fifth, we have begun a search for potentially relevant files in the possession of the Office of Records Management in order to assist us in gathering relevant information.

Sixth, pursuant to your request, we have furnished to you a list of the 204 individuals who received the surveys. As this list demonstrates, we have circulated the surveys to a very broad and significant group of individuals who are likely to possess any relevant information. This approach will assist us in providing relevant information to the Committee expeditiously without unreasonably disrupting the work of the Executive Office of the President and the Office of the Vice President. As we stated, moreover, we would be pleased to inquire of additional appropriate personnel suggested by the Committee.

May 16, 2002

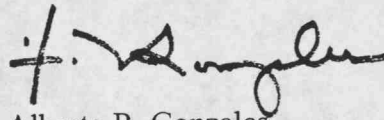
Page Two

Seventh, as we discussed, I have attached the letter that the Counsel to the Vice President sent to Congressman Waxman on January 3, 2001, in response to his inquiry concerning meetings between the Vice President or the former National Energy Policy Development Group support staff and Enron Corporation personnel.

Eighth, as we also discussed, I have attached the President's public remarks from December 28, 2001, and January 10, 2002, about his communications.

Thank you again for meeting with me last week. In my judgment, we have taken reasonable steps in response to the Committee's request, and we look forward to continuing to work with the Committee in a timely, cooperative, and constructive fashion.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Gonzales", with a stylized flourish at the end.

Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

JOSEPH I. LIEBERMAN, CONNECTICUT, CHAIRMAN

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United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

May 16, 2002

Via Facsimile 202-456-6279
and First-Class Mail

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Judge Gonzales:

I have received your letter dated today concerning the Committee's March 27, 2002, request for information about certain communications Executive Office of the President (EOP) officers or staff had with or relating to Enron Corporation. Because your letter fails to give the Committee a commitment to provide all information requested in the March 27 letter, I have concluded that I have no choice but to seek authorization to issue a subpoena to the EOP at the Committee's May 22 Business Meeting.

As you know, the Committee sent the EOP an information request on March 27, 2002, as part of its inquiry into the federal government's oversight of and interactions with Enron. That letter sought information about only three categories of communications – the bulk of which involved contacts with Enron – and the information the Committee sought with respect to those categories was not particularly expansive. As noted previously, this request was narrower than those sent to a number of other federal agencies – for example, the SEC, CFTC, FERC and the Labor Department – each of which was asked to provide many more categories of information and each of which was asked to recall events dating back a decade. Each of those agencies provided the Committee with detailed responses within three or four weeks of the Committee's request.

In contrast, more than seven weeks have passed since the Committee's request to the EOP, and the Committee has received virtually no information from you. Indeed, the only material you have sent us is copies of letters responding to other Congressional inquiries and a transcript of a Presidential press conference. These documents are inadequate on their face even as a partial response to the Committee's request. The letter from the Vice President's Counsel, for example, appears to address only meetings, not all communications, and even with respect to the events it discusses, fails to provide the few details sought in the Committee's March 27 letter (such as the identity of all who attended the meetings). Just as importantly, you do not indicate whether these documents purport to reflect the totality of responsive communications in which the President or

The Honorable Alberto R. Gonzales
May 16, 2002
Page 2

Vice President were involved or whether you are even taking steps to determine whether that is the case.

At the same time, you have not disavowed your repeated refusal to acknowledge that the Committee may rightfully ask for much of the information sought in its March 27 request and consequently have left unclear whether you intend to provide us with significant portions of the information requested. You previously told the Committee, for example, that you find the Committee's request for information about Enron-EOP communications regarding the National Energy Policy "removed from the Committee's legitimate inquiry," and that you believe that the efforts to obtain information about Enron-EOP communications regarding appointments "intrude deeply into the President's core constitutional responsibilities." You have informed me that your internal search for information "may elicit information" on these topics, but you still have declined to assure the Committee that, absent a specific and particularized claim of privilege, you will provide the Committee with all responsive information uncovered in your search.

You also have failed to provide the Committee with any assurance that your search will be reasonably calculated to produce all responsive information. As the Committee's May 3, 2002, letter explains – and as I reiterated in our May 16 meeting – sending a survey of the sort you have composed to a limited number of EOP personnel does not seem calculated to produce information about all communications covered by the Committee's March 27 request. You mention in your letter that you "would be pleased to inquire of additional appropriate personnel suggested by the Committee." I appreciate that offer, but I have already taken you up on it; as I explained at our May 16 meeting, all EOP personnel should be asked whether they have information responsive to the Committee's request. Moreover, they should be asked not just whether they themselves had such communications, but whether they have information about any such communications. It is hard to see how sending out an e-mail or memo to all EOP personnel with a request of this sort is burdensome in any manner.

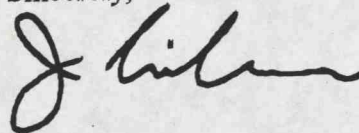
I have not ignored the fact that your May 16 letter states that you "should be able to provide relevant information to the Committee" at some point in May. However, in light of our previous correspondence, our meeting last week and your letter's failure to address the issues outlined above, I must assume that you do not intend "relevant information" to mean "all responsive information."

In short, your most recent communication has forced me to conclude that – despite the Committee's extensive efforts to resolve these issues with you and our extreme patience in waiting almost two months before demanding a response – the Committee cannot reasonably expect to receive the information sought in its March 27 request at any time in the near future. Having reached that conclusion, I regret that I have no choice but to seek authority from the Committee to issue a subpoena to the EOP at our next business meeting, which is scheduled for next Wednesday, May 22. I will ask the Committee to hold that agenda item in abeyance only if you can provide the Committee

The Honorable Alberto R. Gonzales
May 16, 2002
Page 3

with assurances that (1) you will promptly take steps to broaden the search along the lines discussed above and in the Committee's May 3 letter in order to obtain all information sought in the Committee's March 27 letter, and (2) you will provide the Committee all information sought in the Committee's March 27 letter by the end of May.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lieberman". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Joseph I. Lieberman
Chairman



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

February 1, 2002

THE DIRECTOR

The Honorable Henry A. Waxman
U.S. House of Representatives
2204 Rayburn House Office Building
Washington, D.C. 20515-0529

Dear Congressman Waxman:

This letter responds to your letter of January 15, 2002. I previously volunteered that I had a very brief conversation, perhaps two minutes in duration, with Kenneth Lay on October 11. Our conversation addressed the prospects, and not the content, of an economic stimulus bill along the lines the President had articulated. There was no discussion of the situation at Enron. These facts having been fully public for some time before your Washington Post column of January 24, 2002, I do not appreciate your erroneous description of the telephone call, and will appreciate a retraction. As you know, numerous committees of the House and Senate and many executive branch departments and agencies, including the Securities and Exchange Commission, the Department of Labor, and the Department of Justice, are currently conducting official investigations into the causes and consequences of the Enron bankruptcy. To the extent any duly authorized investigative bodies may request additional relevant information, I will respond in a timely, orderly, and appropriate way.

Please be assured that the President and I share your concern about the causes and consequences of the Enron bankruptcy, including the consequences for Enron employees and shareholders. The President has assured the American people that he will seek appropriate policy changes that might help to prevent similar occurrences in the future. Indeed, two cabinet-level working groups are now examining the pension regulation and financial disclosure issues presented by Enron's situation. In short, the Administration's resources are fully devoted to appropriate investigative, law enforcement, and policy actions relating to the Enron bankruptcy.

Sincerely,

Mitchell E. Daniels, Jr.
Director

THE WHITE HOUSE

WASHINGTON

February 1, 2002

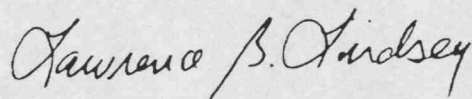
The Honorable Henry A. Waxman
U.S. House of Representatives
2204 Rayburn House Office Building
Washington, D.C. 20515-0529

Dear Congressman Waxman:

This letter responds to your letter of January 14, 2002. As I have noted on previous occasions, I had no communications with Kenneth Lay or other Enron executives last fall relating to their company's financial situation. Following media reports of Enron's deteriorating condition, my staff and I increased the intensity of our monitoring of the energy and financial markets in an effort to assess the potential systemic impacts, if any, of Enron's failure. As others were undertaking similar monitoring relating to their particular agency missions, some interaction between members of the President's economic team and others in the Administration who were working on similar issues occurred.

To the extent that any of the duly authorized investigations that are currently ongoing in either the executive branch or the Congress may request further information from me, I will of course make a timely and appropriate response. In the meantime, I will continue to devote my energies to helping President Bush develop and pursue policies that will help our economy enjoy a rapid, steady, and robust recovery. I welcome your continuing interest and assistance in that important enterprise.

Sincerely,

A handwritten signature in dark ink, reading "Lawrence B. Lindsey". The signature is fluid and cursive, with the first name "Lawrence" being more prominent and the last name "Lindsey" following in a similar style.

Lawrence B. Lindsey
Assistant to the President for Economic Policy

THE WHITE HOUSE
WASHINGTON

February 14, 2002

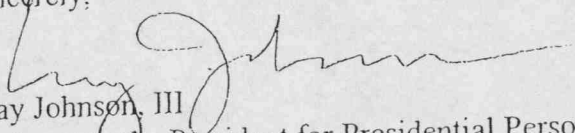
The Honorable Henry A. Waxman
U.S. House of Representatives
2204 Rayburn House Office Building
Washington, D.C. 20515-0529

Dear Congressman Waxman:

This letter responds to your letter of February 7, 2002. According to the records maintained by the Office of Presidential Personnel, the only presidential appointee in the cabinet departments or agencies who was recently employed by Enron is Secretary of the Army Thomas White. Much of the remaining information you have requested is available from a variety of public sources. These include the SF-278 forms filed by Administration officials, the biographical information released publicly at the time of appointment, the biographies of senior officials that many departments and agencies make available through their websites, and databases maintained by public interest groups, think tanks, and private publishers.

The Office of Presidential Personnel does not have other records that would provide a reliable, comprehensive listing of individuals who may have worked at some point in their careers as paid or unpaid consultants, advisors, or attorneys to Enron or its subsidiaries, nor do we maintain separate records concerning the employment or business relationships of appointees' spouses.

Sincerely,


Clay Johnson, III
Assistant to the President for Presidential Personnel

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
List	[List]	13	N.D.	P5; P6/b6; WAC 9/17/2005

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For a complete list of items withdrawn from this folder, see the
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COLLECTION:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

[Enron Materials 2002] [2]

FRC ID:

9805

OA Num.:

2185

NARA Num.:

2096

FOIA IDs and Segments:

2018-0016-P

2017-0345-F

2014-0372-F

RESTRICTION CODES**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

CERTIFICATION

Please check one of the following:

☒ I certify that I performed a reasonable, diligent, and good faith search of all the official EOP documents in my possession (including any e-mails I have) for materials responsive to the Senate Governmental Affairs Committees subpoena dated May 22, 2002, and have produced all such documents to the Office of the Counsel to the President. *(attached)*

☐ I certify that I performed a reasonable, diligent, and good faith search of all the official EOP documents in my possession (including any e-mails I have) for materials responsive to the Senate Governmental Affairs Committees subpoena dated May 22, 2002, and have no such documents.

NAME (please print): *ANDREW H. CARD, JR.*

SIGNATURE: *Andrew H. Card, Jr.*

DATE: *05/30/02*

OFFICE: *CHIEF OF STAFF*

PHONE NUMBER: *202 456-6798*

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
List	[Call Log]	1	05/30/2002	P5; P6/b6; MAC 9/17/2005

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Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

[Enron Materials 2002] [2]

FRC ID:

9805

OA Num.:

2185

NARA Num.:

2096

FOIA IDs and Segments:

2018-0016-P

2017-0345-F

2014-0372-F

RESTRICTION CODES

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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

THE WHITE HOUSE

WASHINGTON

May 22, 2002

Dear Chairman Lieberman:

This letter responds to the Committee's letters requesting information concerning Executive Office of the President (EOP) communications relating to Enron Corporation, as supplemented by our conversations with you and with Committee staff. Throughout our communications on this subject, I have repeatedly assured you of our intention to cooperate with the Committee's investigation. We have devoted substantial time and resources to gathering information responsive to your letter request, and as a matter of comity I am now transmitting to you in the attachment to this letter some preliminary results of our efforts.

Of most significance to the Committee's stated interests, our inquiries thus far have disclosed no instance in which Enron approached any person within the EOP or the Office of the Vice President (OVP) seeking help in connection with its financial difficulties prior to bankruptcy. In addition, the communications we have identified thus far reflect only appropriate and responsible actions by government officials.

As you know, we have undertaken numerous steps in the past several weeks designed to gather information responsive to the Committee's request. These steps have included the circulation of two separate surveys, copies of which were provided to you, to more than 200 individuals in the Executive Office of the President and the Office of the Vice President, including all commissioned officers and other staff members who we believe are most likely to possess responsive information; personal interviews with staff members who indicated they might have responsive information; a search of the White House Worker and Visitor Entry System (WAVES) for records of entry to the White House complex by certain individuals known to be affiliated with Enron; a search of the White House Automated Records Management System (ARMS) for e-mails sent or received by White House personnel that may reflect communications to, from, or about Enron; a search of the National Security Council's classified e-mail system for e-mails sent or received by White House personnel that may reflect communications to, from, or about Enron; and an electronic search of files in the possession of the White House Office of Records Management that are full-text searchable. Because the vast majority of records relating to prior Administrations are in the possession and control of the National Archives and Records Administration, we have focused our efforts on the period between January 20, 2001 and the date of Enron's bankruptcy specified in the Committee's letter, December 2, 2001.

Some of these steps, including our interviews of respondents to the first survey form and our search of WAVES records, have been completed, while others are still ongoing. However, in an effort to begin the process of furnishing information to the Committee on a rolling basis as quickly as possible, we are transmitting in the attachment to this letter the responsive information

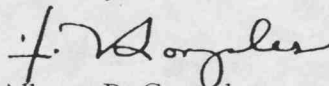
we have collected thus far that is ready for disclosure. We expect to make additional responsive information available to the Committee as further work is completed.

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We appreciate your acknowledgment at the Committee hearing earlier today that your inquiries are not based upon any suggestion of wrongdoing by White House officials. Please do not hesitate to contact me if you have any questions.

Sincerely,



Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

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Meetings attended by Mr. McNally with Enron representatives included the following. On March 6, Mr. McNally may have attended a meeting with a group of people including Enron representative Thomas Briggs. On April 6, Mr. McNally sat in on part of a meeting with Larry Lindsey, Marc Sumerlin, Ken Lay, and Linda Robertson. Ms. Robertson sent an e-mail to Mr. McNally on April 20, 2001. On April 17, Mr. McNally met with Lisa Jacobson and Jeffrey Keeler. On May 23, Mr. McNally met with Ms. Robertson and Richard Shapiro. On June 1, Mr.

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difficulties that a German subsidiary of Enron was having with the German government and related perceptions of unfair competition in the German market. Mr. Briggs did not ask Ms. Knutson to do anything on Enron's behalf, and she took no action following the meeting. Ms. Knutson referred Mr. Briggs to the Department of Commerce or the Department of State.

On September 13, 2001, an Enron Executive Vice President, David Haug, had a meeting with Cheryl Oldham of the Office of Presidential Personnel to discuss potential opportunities for obtaining a position with the Administration, primarily in fields other than energy. Nothing came of these discussions, and Mr. Haug was not appointed to a government position. Mr. Haug's resume had been forwarded to the Office of Presidential Personnel during the transition, and Kenneth Lay had sent a letter of recommendation on Mr. Haug's behalf (and on behalf of one additional Enron executive, Jim Bannantine, and a management consultant, Bill Lewis) to Clay Johnson on December 13, 2000. A private attorney representing Enron had also recommended Mr. Haug.

Elizabeth Stolpe, Associate Director for Toxics and Environmental Protection at the Council on Environmental Quality, attended a meeting on October 19, 2001, with members of a group known as the Clean Power Group on multi-emissions issues. The meeting had been requested and set up by the Dutko Group. There were representatives of several industry groups and companies in attendance, including two representatives from Enron, Pat Shortridge and Lisa Jacobson. This was just one of many meetings Ms. Stolpe attended with industry and environmental groups on the multi-emissions issue.

John Howard, then Senior Associate Director of the Council on Environmental Quality, attended two meetings in spring 2001 about multi-emissions with the Clean Power Group, which included representatives from Enron. The meetings were typical meetings with industry groups. Enron wanted the government to regulate CO₂, which was also a recommendation of environmental groups. Also, in the fall of 2001, an individual at Enron Windpower spoke to Mr. Howard about a windpower tax credit proposal. This proposal had been included in the National Energy Policy Report issued in May, 2001 and is still under consideration by Congress.

In addition to the information responsive to the Committee's request set forth above, records indicate a number of other White House visits by Enron-affiliated individuals, including on occasion Kenneth Lay, for ceremonial or large group events, such as inaugural festivities, the 2001 Easter Egg Roll, a tee-ball game, remarks to the Horatio Alger Association, and other presidential or vice presidential speeches to large groups of business executives, as well as social and charitable correspondence and events, and correspondence pertaining to appointments other than those the Committee has identified as being of interest.

Summaries of communications with executive departments or agencies regarding Enron

In November, 2001, Chief of Staff to the President Andrew Card was advised by Secretary of Commerce Donald Evans that Kenneth Lay had called Secretary Evans seeking his intervention with credit rating agencies on Enron's behalf. Secretary Evans told Chief of Staff Card that he had declined to intervene, and Chief of Staff Card advised him that he had done the right thing.

Chief of Staff Card also attended internal meetings with government officials from time to time regarding energy policy. At one such meeting, which may have included personnel from departments or agencies outside the EOP and OVP, NEC Director Larry Lindsey may have mentioned Enron in passing in explaining an economic concept relating to the electricity grid.

In late October or early November of 2001, following press reports concerning Enron's rapidly deteriorating financial condition, Joshua Bolten, Assistant to the President and Deputy Chief of Staff for Policy, communicated with Sheila Bair, Assistant Secretary for Financial Institutions at the Department of the Treasury. Mr. Bolten inquired whether a business failure by Enron would likely have systemic effects on the energy or financial markets. He was subsequently informed that the Treasury Department did not believe that such effects would result from a business failure by Enron. Mr. Bolten also may have been advised at some point by Secretary of Commerce Donald Evans that Secretary Evans had received a call from Kenneth Lay seeking assistance with rating agencies, which Secretary Evans had declined to provide. Mr. Bolten did not intervene on Enron's behalf with any department or agency of government.

Secretary of the Treasury Paul O'Neill hosts a weekly economic lunch attended by senior economic policy officials from the Administration, often including NEC Director Larry Lindsey, Secretary of Commerce Donald Evans, Chairman of the President's Council of Economic Advisers Glenn Hubbard, OMB Director Mitch Daniels, and Deputy Chief of Staff Josh Bolten. At one such meeting in October or November, 2001, Undersecretary of the Treasury for Domestic Finance Peter Fisher may have mentioned that he had received a call from former Treasury Secretary Robert Rubin inquiring about the possibility of the Treasury Department providing assistance to Enron.

Last February 1, in response to a letter from Congressman Henry Waxman, Dr. Lindsey advised Congressman Waxman as follows: "Following media reports of Enron's deteriorating condition, my staff and I increased the intensity of our monitoring of the energy and financial markets in an effort to assess the potential systemic impacts, if any, of Enron's failure. As others were undertaking similar monitoring relating to their particular agency missions, some interaction between members of the President's economic team and others in the Administration who were working on similar issues occurred."

In the fall of 2001, Marcus Sumerlin, Deputy Assistant to the President for Economic Policy, spoke to an official in the Department of Treasury about possible systemic risks from the collapse of Enron. Likewise, in the fall of 2001, Philippa Malmgren, Special Assistant to the President for Economic Policy responsible for financial markets issues, assessed the possible impact of Enron's collapse on the energy markets and broader economy as part of her ordinary duties and responsibilities. Dr. Malmgren evaluates the condition of the markets as a regular part of her job. Dr. Malmgren talked to officials at the Commodities Futures Trading Commission (CFTC) about the possible impact of Enron's collapse on the financial markets, including issues relating to counter-party risk. The CFTC had prepared a report about the possible impact on financial institutions, which it faxed to Dr. Malmgren. The next day, the CFTC counsel called Dr. Malmgren and said that it should not have sent the report as there was no need to send it. Dr. Malmgren also communicated with the Department of Treasury during the fall of 2001 on the

topic of the possible impact of Enron's collapse on the markets and the economy. Dr. Malmgren also had communications with Peter Watson from the Overseas Private Investment Corporation (OPIC). Watson discussed the likely consequences of a potential default by India with respect to its obligations on a power plant. On June 20, 2001, Dr. Malmgren also met with Nicholas O'Day from Enron's Tokyo office to discuss issues related to the Japanese economy and markets.

Another of the Special Assistants working for Dr. Lindsey, Robert McNally, communicated regularly with Joseph Kelliher, Senior Adviser for Electricity at the Department of Energy, about electricity and energy policy issues. In the fall of 2001, Mr. McNally had communications with officials from the Department of Energy and Department of Treasury, and also to officials of the Federal Energy Regulatory Commission, as part of the overall effort by the National Economic Council staff to assess the possible impact of Enron's collapse on the financial markets and the economy. At Mr. McNally's request, Rachel Brand, Associate Counsel to the President, sat in on one such conference call with him and other White House officials in approximately late October 2001 regarding the systemic effects of a possible Enron failure. Individuals from the Departments of Energy and Treasury may also have been on the call. Since the Bush Administration took office, Ms. Brand has never spoken to anyone at Enron.

In late 2001, as part of his duties and responsibilities, Carlos Bonilla, Special Assistant to the President for Economic Policy, assessed possible reforms to the pension laws in the wake of the Enron collapse. Mr. Bonilla had conversations with officials of the Department of Labor about pension policy and possible reforms.

Judson Jaffe, Staff Economist for the Council of Economic Advisers, also had communications with Treasury and Energy Department officials regarding Enron in late 2001 as part of the same overall effort to assess possible market impacts of a business failure. In approximately late October 2001, Mr. Jaffe participated in some of the conference calls that were held with Peter Fisher, Treasury Undersecretary for Domestic Finance. Other White House officials on the calls included Randy Kroszner of the CEA and Bob McNally and Pippa Malmgren of the NEC. The subject of the calls was the potential energy and financial market impacts of an Enron bankruptcy. Mr. Jaffe had a follow-up conversation in approximately late November with a member of Mr. Fisher's staff. He also had a follow-up conversation in the same time period with an individual at FERC.

In approximately mid-November 2001, Mr. Jaffe had phone conversations with officials of the DOE's Energy Information Administration regarding the implications of a possible Enron bankruptcy on energy markets.

On or before December 2, 2001, Mr. Jaffe placed phone calls to the Department of Energy to arrange for his attendance at meetings regarding the financial implications of Enron's collapse that were to be held in New York City on December 6, 2001. Mr. Jaffe may have spoken to Kevin O'Donovan of DOE about these meetings.

Beginning at the end of November, 2001, Karen Hughes, Counselor to the President, had occasional conversations and meetings with other press secretaries throughout the executive branch concerning responses to media inquiries on Enron. Similarly, Dan Bartlett, White House Communications Director, spoke to individuals at the Departments of Treasury and Commerce about press stories and media inquiries regarding Enron, although it is likely that these conversations occurred after Enron's bankruptcy on December 2, 2001.

Mr. Bartlett also had a conversation regarding Enron with a personal friend, James Glotfelty, who is Senior Policy Adviser for Electricity at the Department of Energy. Mr. Bartlett may have had this conversation with Mr. Glotfelty in late October 2001. During their conversation, Mr. Bartlett and Mr. Glotfelty discussed recent press stories regarding Enron. Mr. Bartlett did not ask Mr. Glotfelty to do anything regarding Enron, nor was Mr. Bartlett asked to do anything.

On March 6, 2001, the Executive Office of the President hosted an interagency staff meeting to discuss recommendations for nominations to the Commission on Ocean Policy. Ken Lay's name was raised as a possible nominee by the Department of Commerce representative. Subsequently, on March 7, 2002, representatives of the Council on Environmental Quality; the Office of Science and Technology Policy; the Office of Management and Budget; the National Security Council; and Presidential Personnel met to discuss the recommendations raised at the March 6 meeting, and Ken Lay was discussed.

ENRON SURVEY

2002 MAY 16 PM 3:41

Instructions:

You are expected to answer the following questions to the best of your knowledge and recollection.

If before answering, it would help you to review any records you may have, you should do so.

"Enron" means anyone you knew was working for, or communicating on behalf of, Enron Corporation or one of its businesses.

Question One:

Between January 20, 2001, and December 2, 2001, did you have any communications with Enron relating to any energy regulation, policy, law, or other issue affecting Enron's business? (Note: This question includes communications relating to the development of the May 2001 Report of the National Energy Policy Development Group.)

YES _____ NO ☒ I'D LIKE TO DISCUSS _____

Question Two:

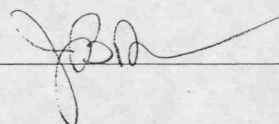
Between January 20, 2001, and December 2, 2001, did you have any communications relating to Enron with any official or employee of any Executive Branch department or agency? (Note: The Executive Office of the President and the Office of the Vice President are not departments or agencies.)

YES ☒ NO _____ I'D LIKE TO DISCUSS _____

NAME (please print): Joshua Bolten

OFFICE: DCOS

PHONE NUMBER: 456-1600

SIGNATURE:  DATE: 5/15/02

THE WHITE HOUSE

WASHINGTON

May 22, 2002

Dear Chairman Lieberman:

This letter responds to the Committee's letters requesting information concerning Executive Office of the President (EOP) communications relating to Enron Corporation, as supplemented by our conversations with you and with Committee staff. Throughout our communications on this subject, I have repeatedly assured you of our intention to cooperate with the Committee's investigation. We have devoted substantial time and resources to gathering information responsive to your letter request, and as a matter of comity I am now transmitting to you in the attachment to this letter some preliminary results of our efforts.

Of most significance to the Committee's stated interests, our inquiries thus far have disclosed no instance in which Enron approached any person within the EOP or the Office of the Vice President (OVP) seeking help in connection with its financial difficulties prior to bankruptcy. In addition, the communications we have identified thus far reflect only appropriate and responsible actions by government officials.

As you know, we have undertaken numerous steps in the past several weeks designed to gather information responsive to the Committee's request. These steps have included the circulation of two separate surveys, copies of which were provided to you, to more than 200 individuals in the Executive Office of the President and the Office of the Vice President, including all commissioned officers and other staff members who we believe are most likely to possess responsive information; personal interviews with staff members who indicated they might have responsive information; a search of the White House Worker and Visitor Entry System (WAVES) for records of entry to the White House complex by certain individuals known to be affiliated with Enron; a search of the White House Automated Records Management System (ARMS) for e-mails sent or received by White House personnel that may reflect communications to, from, or about Enron; a search of the National Security Council's classified e-mail system for e-mails sent or received by White House personnel that may reflect communications to, from, or about Enron; and an electronic search of files in the possession of the White House Office of Records Management that are full-text searchable. Because the vast majority of records relating to prior Administrations are in the possession and control of the National Archives and Records Administration, we have focused our efforts on the period between January 20, 2001 and the date of Enron's bankruptcy specified in the Committee's letter, December 2, 2001.

Some of these steps, including our interviews of respondents to the first survey form and our search of WAVES records, have been completed, while others are still ongoing. However, in an effort to begin the process of furnishing information to the Committee on a rolling basis as quickly as possible, we are transmitting in the attachment to this letter the responsive information

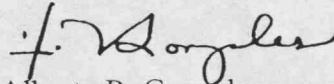
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We appreciate your acknowledgment at the Committee hearing earlier today that your inquiries are not based upon any suggestion of wrongdoing by White House officials. Please do not hesitate to contact me if you have any questions.

Sincerely,



Alberto R. Gonzales
Counsel to the President

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On August 7, 2001, Thomas Briggs, an Enron representative, and one or two other individuals met with Karen Knutson, then-Deputy Executive Director of the NEPDG, and Kirk Blalock, Special Assistant to the President and Deputy Director of Public Liaison, to discuss

difficulties that a German subsidiary of Enron was having with the German government and related perceptions of unfair competition in the German market. Mr. Briggs did not ask Ms. Knutson to do anything on Enron's behalf, and she took no action following the meeting. Ms. Knutson referred Mr. Briggs to the Department of Commerce or the Department of State.

On September 13, 2001, an Enron Executive Vice President, David Haug, had a meeting with Cheryl Oldham of the Office of Presidential Personnel to discuss potential opportunities for obtaining a position with the Administration, primarily in fields other than energy. Nothing came of these discussions, and Mr. Haug was not appointed to a government position. Mr. Haug's resume had been forwarded to the Office of Presidential Personnel during the transition, and Kenneth Lay had sent a letter of recommendation on Mr. Haug's behalf (and on behalf of one additional Enron executive, Jim Bannantine, and a management consultant, Bill Lewis) to Clay Johnson on December 13, 2000. A private attorney representing Enron had also recommended Mr. Haug.

Elizabeth Stolpe, Associate Director for Toxics and Environmental Protection at the Council on Environmental Quality, attended a meeting on October 19, 2001, with members of a group known as the Clean Power Group on multi-emissions issues. The meeting had been requested and set up by the Dutko Group. There were representatives of several industry groups and companies in attendance, including two representatives from Enron, Pat Shortridge and Lisa Jacobson. This was just one of many meetings Ms. Stolpe attended with industry and environmental groups on the multi-emissions issue.

John Howard, then Senior Associate Director of the Council on Environmental Quality, attended two meetings in spring 2001 about multi-emissions with the Clean Power Group, which included representatives from Enron. The meetings were typical meetings with industry groups. Enron wanted the government to regulate CO₂, which was also a recommendation of environmental groups. Also, in the fall of 2001, an individual at Enron Windpower spoke to Mr. Howard about a windpower tax credit proposal. This proposal had been included in the National Energy Policy Report issued in May, 2001 and is still under consideration by Congress.

In addition to the information responsive to the Committee's request set forth above, records indicate a number of other White House visits by Enron-affiliated individuals, including on occasion Kenneth Lay, for ceremonial or large group events, such as inaugural festivities, the 2001 Easter Egg Roll, a tee-ball game, remarks to the Horatio Alger Association, and other presidential or vice presidential speeches to large groups of business executives, as well as social and charitable correspondence and events, and correspondence pertaining to appointments other than those the Committee has identified as being of interest.

Summaries of communications with executive departments or agencies regarding Enron

In November, 2001, Chief of Staff to the President Andrew Card was advised by Secretary of Commerce Donald Evans that Kenneth Lay had called Secretary Evans seeking his intervention with credit rating agencies on Enron's behalf. Secretary Evans told Chief of Staff Card that he had declined to intervene, and Chief of Staff Card advised him that he had done the right thing.

Chief of Staff Card also attended internal meetings with government officials from time to time regarding energy policy. At one such meeting, which may have included personnel from departments or agencies outside the EOP and OVP, NEC Director Larry Lindsey may have mentioned Enron in passing in explaining an economic concept relating to the electricity grid.

In late October or early November of 2001, following press reports concerning Enron's rapidly deteriorating financial condition, Joshua Bolten, Assistant to the President and Deputy Chief of Staff for Policy, communicated with Sheila Bair, Assistant Secretary for Financial Institutions at the Department of the Treasury. Mr. Bolten inquired whether a business failure by Enron would likely have systemic effects on the energy or financial markets. He was subsequently informed that the Treasury Department did not believe that such effects would result from a business failure by Enron. Mr. Bolten also may have been advised at some point by Secretary of Commerce Donald Evans that Secretary Evans had received a call from Kenneth Lay seeking assistance with rating agencies, which Secretary Evans had declined to provide. Mr. Bolten did not intervene on Enron's behalf with any department or agency of government.

Secretary of the Treasury Paul O'Neill hosts a weekly economic lunch attended by senior economic policy officials from the Administration, often including NEC Director Larry Lindsey, Secretary of Commerce Donald Evans, Chairman of the President's Council of Economic Advisers Glenn Hubbard, OMB Director Mitch Daniels, and Deputy Chief of Staff Josh Bolten. At one such meeting in October or November, 2001, Undersecretary of the Treasury for Domestic Finance Peter Fisher may have mentioned that he had received a call from former Treasury Secretary Robert Rubin inquiring about the possibility of the Treasury Department providing assistance to Enron.

Last February 1, in response to a letter from Congressman Henry Waxman, Dr. Lindsey advised Congressman Waxman as follows: "Following media reports of Enron's deteriorating condition, my staff and I increased the intensity of our monitoring of the energy and financial markets in an effort to assess the potential systemic impacts, if any, of Enron's failure. As others were undertaking similar monitoring relating to their particular agency missions, some interaction between members of the President's economic team and others in the Administration who were working on similar issues occurred."

In the fall of 2001, Marcus Sumerlin, Deputy Assistant to the President for Economic Policy, spoke to an official in the Department of Treasury about possible systemic risks from the collapse of Enron. Likewise, in the fall of 2001, Philippa Malmgren, Special Assistant to the President for Economic Policy responsible for financial markets issues, assessed the possible impact of Enron's collapse on the energy markets and broader economy as part of her ordinary duties and responsibilities. Dr. Malmgren evaluates the condition of the markets as a regular part of her job. Dr. Malmgren talked to officials at the Commodities Futures Trading Commission (CFTC) about the possible impact of Enron's collapse on the financial markets, including issues relating to counter-party risk. The CFTC had prepared a report about the possible impact on financial institutions, which it faxed to Dr. Malmgren. The next day, the CFTC counsel called Dr. Malmgren and said that it should not have sent the report as there was no need to send it. Dr. Malmgren also communicated with the Department of Treasury during the fall of 2001 on the

topic of the possible impact of Enron's collapse on the markets and the economy. Dr. Malmgren also had communications with Peter Watson from the Overseas Private Investment Corporation (OPIC). Watson discussed the likely consequences of a potential default by India with respect to its obligations on a power plant. On June 20, 2001, Dr. Malmgren also met with Nicholas O'Day from Enron's Tokyo office to discuss issues related to the Japanese economy and markets.

Another of the Special Assistants working for Dr. Lindsey, Robert McNally, communicated regularly with Joseph Kelliher, Senior Adviser for Electricity at the Department of Energy, about electricity and energy policy issues. In the fall of 2001, Mr. McNally had communications with officials from the Department of Energy and Department of Treasury, and also to officials of the Federal Energy Regulatory Commission, as part of the overall effort by the National Economic Council staff to assess the possible impact of Enron's collapse on the financial markets and the economy. At Mr. McNally's request, Rachel Brand, Associate Counsel to the President, sat in on one such conference call with him and other White House officials in approximately late October 2001 regarding the systemic effects of a possible Enron failure. Individuals from the Departments of Energy and Treasury may also have been on the call. Since the Bush Administration took office, Ms. Brand has never spoken to anyone at Enron.

In late 2001, as part of his duties and responsibilities, Carlos Bonilla, Special Assistant to the President for Economic Policy, assessed possible reforms to the pension laws in the wake of the Enron collapse. Mr. Bonilla had conversations with officials of the Department of Labor about pension policy and possible reforms.

Judson Jaffe, Staff Economist for the Council of Economic Advisers, also had communications with Treasury and Energy Department officials regarding Enron in late 2001 as part of the same overall effort to assess possible market impacts of a business failure. In approximately late October 2001, Mr. Jaffe participated in some of the conference calls that were held with Peter Fisher, Treasury Undersecretary for Domestic Finance. Other White House officials on the calls included Randy Kroszner of the CEA and Bob McNally and Pippa Malmgren of the NEC. The subject of the calls was the potential energy and financial market impacts of an Enron bankruptcy. Mr. Jaffe had a follow-up conversation in approximately late November with a member of Mr. Fisher's staff. He also had a follow-up conversation in the same time period with an individual at FERC.

In approximately mid-November 2001, Mr. Jaffe had phone conversations with officials of the DOE's Energy Information Administration regarding the implications of a possible Enron bankruptcy on energy markets.

On or before December 2, 2001, Mr. Jaffe placed phone calls to the Department of Energy to arrange for his attendance at meetings regarding the financial implications of Enron's collapse that were to be held in New York City on December 6, 2001. Mr. Jaffe may have spoken to Kevin O'Donovan of DOE about these meetings.

Beginning at the end of November, 2001, Karen Hughes, Counselor to the President, had occasional conversations and meetings with other press secretaries throughout the executive branch concerning responses to media inquiries on Enron. Similarly, Dan Bartlett, White House Communications Director, spoke to individuals at the Departments of Treasury and Commerce about press stories and media inquiries regarding Enron, although it is likely that these conversations occurred after Enron's bankruptcy on December 2, 2001.

Mr. Bartlett also had a conversation regarding Enron with a personal friend, James Glotfelty, who is Senior Policy Adviser for Electricity at the Department of Energy. Mr. Bartlett may have had this conversation with Mr. Glotfelty in late October 2001. During their conversation, Mr. Bartlett and Mr. Glotfelty discussed recent press stories regarding Enron. Mr. Bartlett did not ask Mr. Glotfelty to do anything regarding Enron, nor was Mr. Bartlett asked to do anything.

On March 6, 2001, the Executive Office of the President hosted an interagency staff meeting to discuss recommendations for nominations to the Commission on Ocean Policy. Ken Lay's name was raised as a possible nominee by the Department of Commerce representative. Subsequently, on March 7, 2002, representatives of the Council on Environmental Quality; the Office of Science and Technology Policy; the Office of Management and Budget; the National Security Council; and Presidential Personnel met to discuss the recommendations raised at the March 6 meeting, and Ken Lay was discussed.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

May 31, 2002

MEMORANDUM FOR WHITE HOUSE COUNSEL (ATTN: BRETT KAVANAUGH)

FROM: DAVID A. SHULL, DEPUTY GENERAL COUNSEL

SUBJECT: ENRON SUBPOENA

This memorandum provides the data responding to direction from the Counsel to the President for all personnel of the Office of National Drug Control Policy (ONDCP) to perform a reasonable, diligent, and good faith search of all official documents in their possession, in relation to the subpoena issued by the Senate Governmental Affairs Committee on May 22, 2002.

All responses from ONDCP personnel, except one, have been consolidated by the ONDCP Office of Legal Counsel. We chose that methodology to assure that we could account for all employees. Also, we feel that consolidation allowed us to more efficiently search consolidated office records (especially those that have been retired to the National Archives and Records Management location).

The consolidated ONDCP responses (Tab A), as well as the one response that was directly forwarded to your office (from Mr. John Gregrich), all respond that no responsive records were identified. An oral report from our contract guard force indicates no annotations in visitor logs that would indicate visits from ENRON personnel. Additionally, a search personally conducted by the ONDCP Deputy General Counsel of all hard copy logs and electronic records dealing with retired files discovered only one document responsive to the subpoena. That document (Tab B) is a letter from the CEO of ENRON to President Clinton addressing an energy proposal dealing with the South American country of Bolivia, a key country in America's Drug Control Strategy. All indications are that the letter was forwarded to the Director of National Drug Control Policy for information only, and that no action was taken by ONDCP.

The attached certificates provide responses from all ONDCP personnel, except those on extended annual leave or detail outside of ONDCP, and the one person who sent his response directly to White House Counsel (addressed above). Should any questions arise as to the search methodology used by ONDCP or this submission, please contact Dave Shull at (202) 395-6650.

Attachments:

Tab A – 143 Signed Certificates

Tab B – Copy of Letter from ONDCP retired records

UNITED STATES OF AMERICA

Congress of the United States

SUBPOENA

000032

To Custodian of Records
Executive Office of the President
Washington, DC 20500

Greetings:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear before the COMMITTEE ON GOVERNMENTAL AFFAIRS of the Senate of the United States, on June 5, 2002, at 10 o'clock a.m., at its Committee Room, 342 Dirksen Senate Office Building, Washington, D.C. 20510, then and there to testify what you may know relative to the subject matters under consideration by the Committee, and to produce the materials described in the attachment hereto.

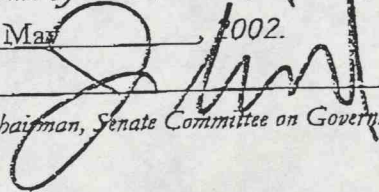
A personal appearance will be unnecessary if the materials described in Attachment A are delivered, subject to the accompanying instructions, to the Committee by 12:00 noon on June 3, 2002.

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

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

Acceptance of
Service in
official capacity.
Brett Kavanaugh
Associate Counsel
to the President
May 22, 2002

Given under my hand, by authority vested
in me by the Committee, on this 22d day of
May, 2002.


Chairman, Senate Committee on Governmental Affairs

INSTRUCTIONS

- (1) The documents requested include all those that are in the custody, control or possession of the EOP, or within the right of custody, control or possession of the EOP, its officers, agents, employees, or representatives.
- (2) Unless otherwise indicated, the documents requested are those dated, prepared or received during the period January 1, 1992 to December 2, 2001 or that refer to, relate to or incorporate communications that took place during that time period.
- (3) You are under a continuing obligation to promptly provide additional documents responsive to this subpoena.
- (4) Each document produced shall be produced in a form that renders the document susceptible of copying, shall include all attachments and shall not be redacted.
- (5) Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when this subpoena was served or shall otherwise be identified and dated.
- (6) It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same document.
- (7) If any of the subpoenaed information is available in machine-readable form, state the form in which it is available and provide sufficient detail to allow the information to be copied to a readable format. If the information requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.
- (8) If the subpoena cannot be complied with in full, it shall be complied with to the extent possible, with an explanation of why full compliance is not possible.
- (9) In the event that a document is withheld on the basis of privilege, provide with the responses to this subpoena the following information concerning any such document: (a) the date of the document, its author, his or her occupation, title and employer, all recipients, the occupation, title and employer of each recipient, (b) the subject matter of the document, (c) the privilege claimed and a brief explanation of the basis of the claim of privilege, (d) the type of document, and (e) the relationship of the author and recipient(s) to each other.
- (10) If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances by which it ceased to be in your possession, custody, or control.
- (11) If a date set forth in this subpoena referring to a communication, meeting or other event is inaccurate, but the actual date is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date were

correct.

- (12) For each document produced, please indicate the paragraph and, where applicable, subparagraph of Attachment A to which it is responsive.

DEFINITIONS

- (1) "Enron" means Enron Corp., Enron Capital Trust I, Enron Capital Trust II, and each of their affiliates, subsidiaries, partnerships, special purpose entities, joint ventures, trusts or any other entity in which Enron Corp., Enron Capital Trust I, or Enron Capital Trust II is or was a shareholder, partner, investor, trustee, or member. The term "Enron" includes, with respect to each entity described in the previous sentence, the entity's officers, directors, employees, and representatives, including any person or entity purporting to act on their behalf or known to you to be acting on their behalf.
- (2) "Executive Office of the President" or "EOP" means the Executive Office of the President and all of its units including, but not limited to, the Office of Administration, the White House Office, the Office of the Vice President, the Office of Science and Technology Policy, the Office of Management and Budget, the Office of the Chief of Staff, the United States Trade Representative, the Office of Management and Administration, the Office of White House Counsel, the Office of Communications, the Office of Cabinet Affairs, the Office of the Staff Secretary, the Office of Speechwriting, the Office of Public Liaison, the Office of Correspondence, the Office of the Deputy Chief of Staff for Policy and Political Affairs, the Office of Information Programs, the Office of the Deputy Chief of Staff for White House Operations, the Domestic Policy Council, the Office of Federal Procurement Policy, the Office of Intergovernmental Affairs, the Office of Legislative Affairs, the Office of Media Affairs, the National Economic Council, the Office of Policy Development, the Office of Political Affairs, the Office of Strategic Initiatives, the White House Military Office, the Office of Presidential Personnel, the Office of the Press Secretary, the Office of Scheduling, the Office of Advance, the Council of Economic Advisors, the Council on Environmental Quality, the Executive Residence, the President's Foreign Intelligence Advisory Board, the National Security Council, the Office of Homeland Security, the Office of National Drug Control Policy, the Office of Faith-Based and Community Initiatives and the Office of Policy Development. The terms "Executive Office of the President" and "EOP" include, with respect to each entity described in the previous sentence, the entity's officials, employees and representatives and any person detailed to work for the entity. The terms also include the President and Vice President of the United States.
- (3) "Document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda; reports; studies; reviews; analyses; presentations; working papers; records; notes; letters; notices; confirmations; telegrams; faxes, telexes, receipts; appraisals; interoffice and intraoffice communications; electronic mail (e-mail); computer or other

electronic files; contracts; cables; notations or logs of any type of conversation, telephone call, meeting or other communication; bulletins; printed matter; computer printouts; teletype; invoices; transcripts; audio and video recordings; diaries; appointment books; returns; summaries; minutes; bills; accounts; estimates; projections; comparisons; messages; or correspondence. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

- (4) "Communication" means any contact or attempted contact or any disclosure of information, regardless of the means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in meeting, by telephone, mail, telex, facsimile, computer, discussions, releases, delivery, or otherwise.
- (5) The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The term "any" includes the term "all" and vice versa, and both terms shall be construed broadly to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes the plural number and vice versa.

Executive Office of the President
Washington, DC 20500
Attention: Custodian of Records

ATTACHMENT A

- (1) All documents relating to, referring to or incorporating communications between the EOP and Enron, including any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures, if such documents also meet the following specification:

They refer or relate in any manner to the following agencies, laws or policies administered or enforced by the following agencies, regulations or programs implemented by the following agencies, or officials, employees or representatives of the following agencies, including the appointment or selection of such officials, employees or representatives:

- (a) U.S. Securities and Exchange Commission
- (b) U.S. Commodity Futures Trading Commission
- (c) U.S. Federal Energy Regulatory Commission
- (d) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred compensation plans or other retirement, savings, or benefit plans, programs or funds
- (e) the U.S. Department of Commerce
- (f) the U.S. Department of Energy
- (g) the Overseas Private Investment Corporation
- (h) the Export-Import Bank of the United States.

- (2) All documents relating to, referring to or incorporating communications between the EOP and any official, employee or representative of any federal department or agency that refer or relate to Enron, including any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures, if such documents also meet the following specification:

They refer or relate in any manner to the following agencies, laws or policies administered or enforced by the following agencies, regulations or programs implemented by the following agencies, or officials, employees or representatives of the following agencies, including the appointment or selection of such officials, employees or representatives:

- (a) U.S. Securities and Exchange Commission
- (b) U.S. Commodity Futures Trading Commission
- (c) U.S. Federal Energy Regulatory Commission
- (d) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred

- compensation plans or other retirement, savings, or benefit plans, programs or funds
- (e) U.S. Department of Commerce
 - (f) U.S. Department of Energy
 - (g) Overseas Private Investment Corporation
 - (h) Export-Import Bank of the United States.
- (3) All documents relating to, referring to or incorporating communications between the EOP or any member of the National Energy Policy Development Group or its staff and Enron if such documents also refer or relate to the development of the May 2001 Report of the National Energy Policy Development Group or to any of the issues discussed therein, regardless of when such communications occurred. Such documents should include any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures.

May, 2002

I made service of the within subpoena by

_____ *to the within-named* _____

_____, *at* _____

_____ *at* _____

o'clock ____ *m.*, *on the* _____ *day of* May, 2002

Signed _____