

FOIA MARKER

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

Original OA/ID Number: CF 412				
Document ID: White House Talking Points [Talking Points]				
Stack: V	Row: 21	Section: 3	Shelf: 4	Position: 3

TALKING POINTS

Release of Executive Privilege Documents

- ▶ Attorney General Reno has affirmed that each of these documents is constitutionally protected under the doctrine of executive privilege. The White House is nonetheless making this information available in the interests of full and complete disclosure.
- ▶ The White House is making public these documents because we want to put an end once and for all to Representative Clinger's repeated attempts to manufacture phony document disputes in order to garner attention for his endless, faltering inquiry.
- ▶ By making the documents publicly available, the White House will expose Mr. Clinger's pattern of mischaracterizing documents and releasing only part of the facts. Reporters can review these documents and make up their own minds based on all of the facts.
 - ▶ Chairman Clinger's extremist tactics compel the extraordinary step of releasing the work of presidential lawyers; this work is quite properly protected by the constitutional doctrine of executive privilege.
 - ▶ The President is entitled to advisors who can prepare for congressional hearings without sharing their work with those conducting the inquiries.
- ▶ Representative Clinger and his staff have had access to these documents since late June. They have had the opportunity to review each and every one of these documents. If the documents contained anything of interest, you would have already heard about it from Mr. Clinger's staff.
 - ▶ The review by Mr. Clinger and his staff began on June 27, 1996. Thus, Mr. Clinger and his staff have had full knowledge of the contents of these documents for more than 45 days.
 - ▶ Mr. Clinger and his staff were afforded complete access to the documents; no time limits whatsoever were imposed on their review of these documents.
 - ▶ Mr. Clinger and his staff were permitted to make notes characterizing the material they were reviewing.

- ▶ The bulk of the documents being released today was created by White House lawyers in preparation for congressional hearings orchestrated by Senator D'Amato, Speaker Gingrich, Majority Leader Armev, Representative Clinger and others.
- ▶ Like any one party who is subject to congressional hearings, the White House has every right to prepare for hearings run by the President's partisan opponents and designed to inflict political damage.
- ▶ The kind of work product in these pages is typical of any party-in-interest preparing for a congressional hearing: talking points, issue briefs, questions and answers, etc.
- ▶ The White House took appropriate steps to determine what areas the President's opponents would focus on and to provide factual information refuting partisan charges and one-sided presentations of events in question.
 - ▶ Prior to the D'Amato Whitewater hearings, for example, the White House provided reporters with access to key Vincent Foster documents and provided other factual information to rebut D'Amato's charges. The work entailed in providing that information is reflected in these documents.
- ▶ It was entirely appropriate for White House representatives to speak with lawyers for witnesses who were involved in the matters being examined by congressional committees. Such conversations are imperative for assessing the nature of the problem being examined, finding the most appropriate way to explain it to the American people, identifying any action that may be necessary, and determining the reasonableness of the inquiry and the contours of the response.
- ▶ Many of the documents are "drafts." In other words, the documents were "works in progress." As such, the documents sometimes contain information that is incomplete or inaccurate. On many occasions additional discussions yielded information that superseded or corrected earlier drafts. Nonetheless, the documents made public today contain these drafts that sometimes contain incomplete or inaccurate information.
- ▶ Some of the documents contain statements of arguments and theories that the White House expected its partisan opponents to use during hearings. Of course, the repetition of the theories of our political opponents in some of these documents should not be read as an endorsement of their validity.

THE WHITE HOUSE
WASHINGTON

August 15, 1996

BY HAND DELIVERY

The Honorable William F. Clinger, Jr.
Chairman
Committee on Government Reform and Oversight
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

For several months, we have worked with you to find appropriate ways to provide your Committee information it has requested regarding the White House Travel Office and other matters. We have sought to accommodate the Committee's needs while at the same time ensuring that we protect the confidentiality of communications made on behalf of the President, including the official work of White House lawyers, in accordance with long-standing principles of separation of powers and executive privilege. As you know, the Attorney General and career officials at the Department of Justice have substantiated the President's claim of privilege with respect to over 1,800 pages of material sought by your Committee.

In June, we took the extraordinary step of providing you and your staff with access to the documents in question. We did so after reaching an understanding with you and Congresswoman Collins that these privileged materials would not be copied or divulged beyond the Committee's members and staff. This was thought by all involved to accommodate fairly Congress' asserted need for the information, while maintaining the Executive Branch's need to provide confidential advice to the President and to conduct candid deliberations in furtherance of his work.

In accepting access to the documents on this basis, you agreed to follow a specific procedure and employ a particular standard in the event you thought that a document from among these materials should be made public. Nevertheless, last week, I received a letter from you seeking the release of three broad categories of documents from among the approximately 1,800 pages subject to our agreement. This was followed by a letter from Barbara Olson of your staff specifically identifying over 1,400 pages -- nearly 80 percent -- of the privileged documents that she has told us you insist we provide the Committee no later

Hon. William F. Clinger, Jr.
August 15, 1996
Page 2

than tomorrow. Neither your letter nor the Olson letter makes the slightest acknowledgement of the process and standards to which we all agreed in June.

This abrogation of our agreement gives us grave concern. We thought we had mapped a way to work together to satisfy the needs of both Congress and the Executive Branch. We spent many hours, together with Mrs. Collins, working with you to craft what we understood you had agreed was a workable, bipartisan arrangement for determining the conditions under which we would provide the Committee with copies of privileged documents. But your commitment to honor our agreement has been replaced, apparently, by this unilateral demand. And, no doubt, this demand will be followed by false charges that we are abusing executive privilege if we insist upon following the procedure you agreed to follow in June.

As I have said to you repeatedly, there is a strong interest on the part of the Presidency as an institution in the confidentiality of communications such as those reflected in the documents you have demanded. Our assertion of this interest has not been out of concern over the content of these documents: as you well know after the long hours you have spent reviewing them, the documents confirm that these matters were handled properly.

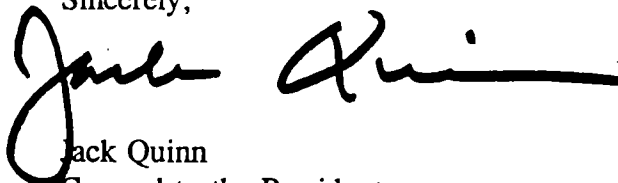
Be that as it may, there is an equally strong public and constitutional interest in ending the disparagement of the Presidency on which your Committee has embarked. In the past, the Committee has handled documents inappropriately, leaked selective portions of documents and deposition testimony in a manner that appears to be deliberately designed to unfairly impugn people, and read passages from privileged documents into a deposition record in plain violation of our agreement. All of this suggests that the Committee's investigation is not a search for the truth but a politically motivated partisan attack on the President.

The American people deserve better. They deserve to learn the whole truth firsthand and not through the filter of out-of-context leaks and mischaracterizations of privileged communications. Accordingly, in view of your determination to abrogate entirely the agreement you struck with me regarding the circumstances under which any of these documents might be made public, given the Committee's abuse of our attempts to accommodate your needs, and considering the nature of the matters at issue here, the President has directed me to release the documents you have demanded to the public. Only by elevating to the court of public opinion our constitutional dispute over the Executive Branch's attempts to meet the needs of the Congress can we undo the damage your

Hon. William F. Clinger, Jr.
August 15, 1996
Page 3

Committee has done to the separation of powers and assure the American people that this Administration has acted properly in regard to these matters. Your copies are enclosed.

Sincerely,



Jack Quinn
Counsel to the President

Enclosures

cc: Honorable Cardiss Collins (w/enclosures)