



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, DC 20036-4505
(202) 254-3600

August 17, 2012

Mr. Daniel Epstein, Esq.
Mr. Brandon Sherman, Esq.
Cause of Action
2100 M Street, NW
Suite 170-247
Washington, DC 20037-1233

RE: Freedom of Information Act Request (Ref. # FO-12-0191)

Dear Messrs. Epstein and Sherman:

In keeping with my letter of August 3, 2012, I am writing to provide a status update and interim response to your Freedom of Information Act (FOIA) request.¹ The remaining request items to be addressed are numbers 9, 17, 18, 20, and 29.

While processing request items 17, 18 and 20 remains underway, I am releasing the eleven responsive pages alluded to in prior correspondence. Of those, 8 are released in full, and 3 pages have limited redactions pursuant to FOIA exemption six.² Please note that PDF pages 1-11 are responsive to items 17 and 18. PDF pages 2 and 3 are also responsive to request items 20 and 29(b). We are presently processing an additional 14 pages, also responsive to these items, which we identified in recent searches. We have not yet completed the necessary search activity for request items 9 and 29.

We will provide a response to the outstanding items, or a relevant status update, no later than August 31, 2012. If you would like to discuss any aspect of your request, please feel free to contact me at (202) 254-3716.

Sincerely,

/s/

Christopher Kurt
FOIA/Privacy Act Officer
Office of General Counsel

¹ The FOIA appears in title 5 of the U.S. Code, at section 552 (5 U.S.C. § 552).

² Information covered by your request is withheld under the authority of FOIA exemption 6, because release of the information would constitute a clearly unwarranted invasion of personal privacy. § 552(b)(6).

Marrone, Ana

From: Miles, Adam
Sent: Wednesday, July 13, 2011 2:54 PM
To: Lerner, Carolyn; Cohen, Mark; Marrone, Ana
Subject: RE: Issa to Counsel to the President

POLITICO

Issa seeks DNC records of W.H. meet

By: Josh Gerstein and Jake Sherman

July 13, 2011 02:29 PM EDT

House Oversight Committee Chairman Darrell Issa now has the Democratic National Committee in his sights as he probes what he has called "potentially illegal fundraising activities within the White House."

The California Republican sent a letter Wednesday to DNC Executive Director Patrick Gaspard demanding all DNC records, including invitation lists and RSVPs, relating to a policy discussion President Barack Obama held with business leaders in the White House's Blue Room on March 7. The session was organized by the DNC and all the guests were donors to Obama's 2008 campaign.

Issa's letter also seeks records of any other DNC events that took place or were planned in "any room of the White House, the Eisenhower Executive Office Building, the New Executive Office Building, or any other federal property on or off the White House grounds." He also wants records regarding the use of the White House for a video Obama made for a raffle his campaign is running that seeks donations in exchange for a chance to win dinner with Obama and Vice President Joe Biden.

The White House has denied that DNC-organized events held on White House grounds, including the March Blue Room session and a February reception for DNC members, were fundraisers. Obama aides also say White House events organized by national political parties have been commonplace under the past several administrations.

The DNC did not respond to a request for comment on Issa's query, which is posted [here](#). The political party is under no obligation to respond to Issa's request unless he chooses to issue a formal subpoena. However, Issa's letter warns the DNC to preserve all records and emails related to his inquiry.

The new letter to the DNC is a follow-up to [a request Issa sent Monday to the White House](#) seeking records about the same events. The White House has not commented on Issa's requests for information.

From: Miles, Adam
Sent: Tuesday, July 12, 2011 10:45 AM
To: Lerner, Carolyn; Cohen, Mark; Marrone, Ana
Subject: FW: Issa to Counsel to the President

From: Miles, William [mailto: (b)(6) @mail.house.gov]
Sent: Tuesday, July 12, 2011 10:34 AM
To: Boyd, Krista
Cc: Miles, Adam; Miller, Amy
Subject: FW: Issa to Counsel to the President

FYI

From: Thomas, Cecelia
Sent: Tuesday, July 12, 2011 10:09 AM
To: Miles, William
Cc: Grooms , Susanne Sachsman; Rapallo, Dave; Hultberg, Carla; Etienne, Ashley
Subject: Issa to Counsel to the President

Marrone, Ana

From: Miles, Adam
Sent: Friday, July 22, 2011 7:14 AM
To: 'CLerner@ (b) (6) .com'; Cohen, Mark; Marrone, Ana
Cc: Beneze, Elisa
Subject: Fw: Politico: Campaigning from the WH

From: Adam Miles
To: Miles, Adam
Sent: Fri Jul 22 07:10:49 2011
Subject: Politico: Campaigning from the WH

Campaigning from the White House

By: Glenn Thrush and Josh Gerstein

July 22, 2011 04:32 AM EDT

<http://dyn.politico.com/printstory.cfm?uuid=2150BF8B-8D83-43C5-AA83-0BCD7FC524DA>

During the 2008 campaign, then-Sen. Barack Obama's staff tweaked the Clintons for renting out the Lincoln bedroom and Obama himself described George W. Bush as running "the most politicized White House in history."

Now, as Obama's re-election effort slowly gathers momentum, the White House is trying to balance Obama's squeaky-clean brand with the bruising politics of a campaign headquartered in Chicago – but with a major branch office at 1600 Pennsylvania Avenue.

"The campaign is being run out of Chicago – not the White House," Obama's communications director Dan Pfeiffer told POLITICO. "We will be coordinated but [2012 campaign manager] Jim Messina and his staff are in charge of the campaign."

Still, the lines aren't always distinct, and much of the highest-profile and controversial campaign activity thus far has taken place on the D.C. side of the Reagan-O'Hare shuttle.

The addition of senior adviser David Plouffe, Obama's outwardly unassuming but commanding 2008 campaign manager, to the White House staff last fall sent an unmistakable message that Obama was trying to get control of his organization with 2012 fast approaching. Since the arrival of Plouffe, the White House hasn't been especially shy about politicking, organizing and fundraising within ethical guidelines, federal law and their own interpretation of political propriety – even though they chafe at the idea that they are the Beltway tail wagging the Midwestern dog.

No laws prohibit the president or senior West Wing officials from engaging in electoral activity during their day jobs, although the 1930s-era Hatch Act prohibits them from using government resources to do so or to fundraise in U.S. government offices. Most federal workers, including White House staff, are permitted to politick during their off hours, but not while at work.

Yet the legal distinctions can be fine and hard to pin down. For example, White House aides and Obama cabinet members can't solicit donations, but they are legally allowed to speak at fundraisers.

And there are other nettlesome questions such as whether low-level White House staffers can be cleared for political work, where and when can they electioneer, and whether it's okay to invite donors to the White House residence – even if you don't actually ask them for money.

Complicating matters, Team Obama closed its taxpayer-funded political office, the center of White House political coordination since the Carter administration and last run for Obama by Patrick Gaspard, now at the Democratic National Committee.

White House spokesman Eric Schultz described the move "as part of an effort to make sure that White House staff and resources were being allocated most efficiently and effectively in support of the president's policy priorities."

But just four days after the office's closure became public, an independent watchdog agency within the executive branch issued a long-awaited ruling slamming Bush's Office of Political Affairs for repeatedly violating the Hatch Act by allegedly organizing the travel of cabinet members to advance political goals and conducting political briefings at government agencies.

Embedded in the Office of Special Counsel report was a finding that, in theory, rendered years of White House political work illegal: A determination that it was improper for junior staffers to engage in political activity on the job – even if that was their job.

"This has really taken people by surprise," said Richard Painter, an ethics lawyer for the Bush White House. "There would be no support staff, no secretaries or anybody for you.....You couldn't run an office that way."

Despite serious misgivings about the legal rationale, Obama's lawyers have instructed aides to comply with the ruling. That means only "commissioned officers"—people who hold the title of special assistant to the president or above—can work on political matters in the office or during working hours.

In an attempt to keep the ethical lines clear and streamline communication, Obama has authorized a small group of senior West Wing officials, led by Plouffe, to communicate directly with counterparts in Chicago, according to Democrats close to the situation.

Besides Plouffe, the list includes chief of staff Bill Daley, Obama's 2008 campaign chairman and still a key figure in Democratic fundraising; deputy senior adviser Stephanie Cutter, a veteran political operative who held a top post in John Kerry's 2004 campaign; press secretary Jay Carney; senior adviser Valerie Jarrett; and deputy chief of staff Alyssa Mastromonaco, a former campaign scheduler who helps coordinate logistics between the campaign and White House.

Pfeiffer is also on the list, and he has also been tasked to represent the West Wing on a daily messaging call with the Democratic National Committee and Obama's Chicago-based campaign, a senior Democrat told POLITICO.

At the same time, Obama's lawyers have tried to construct some firewalls between White House operations and the campaign's.

"All known web-based email services" are blocked from official White House computers, an administration official told POLITICO. That makes it more difficult for aides to engage in correspondence that doesn't go into official archives and might escape scrutiny from congressional investigators.

In addition, work relating to the re-election campaign or other political matters is supposed to be done on Blackberries or other equipment provided by the DNC or the campaign, officials said.

When e-mail traffic combines official and campaign-related matters, staffers are told to use the official system so that a permanent record is kept. "Documents and information that relate to the President's official duties are preserved in compliance with the [Presidential Records Act], even if they also have a political component," an official said.

By law, Obama can do some things his aides can't—like solicit donations, though not in the Oval Office. His personal involvement in the re-election effort, so far, appears to be limited, but it is growing.

Obama, along with Plouffe, outgoing Council of Economic Advisers Chairman Austan Goolsbee and other aides, has filmed campaign videos. And while the president's been absorbed in the debt ceiling negotiations and a succession of international crises – his "day job" as he calls it — Obama has ratcheted up his public fundraising appearances and private meetings with Democratic political operatives.

Gaspard visited the White House 13 times in the weeks after he left his White House job earlier this year, official appointment records show. Messina, who left a deputy chief of staff job at the White House in late January to take up his campaign duties in Chicago, had no fewer than 12 appointments in the complex in the two months after he left, visiting Plouffe, Obama and Daley.

Not all the trips were strictly political: "POTUS has just asked to meet with Patrick in the Oval," reads the entry for March 31st for Gaspard – when Obama presented his longtime aide with a going-away present.

Even though his staff says he's occupied with the demands of his job, Obama has clearly stepped up his fundraising schedule and regularly consults with political advisers. He's even courted a little controversy – though ethics experts say he hasn't let his political team run amok, as Bush and Clinton reportedly did.

But Obama's activities have not been without controversy. On March 7th, he led a DNC-organized economic policy discussion with fundraisers and potential fundraisers in the White House's Blue Room – an event that was not included in the president's daily schedule and which attracted the attention of House Oversight Committee chairman Darrell Issa (R-Calif.) after a story about it appeared in the New York Times.

"Recent media reports indicate that the Obama administration may be engaging in an array of potentially illegal fundraising behavior," Issa wrote in a July 11 letter to White House counsel Kathryn Ruemmler. "These reports raise serious questions about whether the administration—in its apparent push to raise unprecedented sums of money for the president's re-election effort—is failing to comply with federal campaign finance laws, restrictions on involvement in political events, and other federal laws."

This White House says the event was not a fund-raiser, that all its fundraising and political events have been legal and that they have ample precedent in prior administrations. Many legal experts agree. So over the next year donors who pony up \$5000 can gain access to a monthly series of lectures in New York, featuring the likes of Daley, Plouffe, Cutter, Mastromonaco, deputy chief of staff Nancy-Ann DeParle, senior counselor Pete Rouse, Jon Carson, the White House director of public

engagement, and Michelle Obama's chief of staff Tina Tchen.

But Issa's comments, ironically enough, track closely with then-Sen. Obama's criticism of the Bush White House for letting politics pervade the executive branch.

"This has been the most politicized White House in history and the American people have suffered as a result," Obama told an audience in Manchester, N.H. on June 22, 2007. "Now, presidents obviously want to surround themselves with those people who share their views and their beliefs. There's nothing wrong with that per se, but the days of firing eight qualified U.S. attorneys because of their politics is over. The days of using the White House as another arm of the Republican National Committee are over."

Still, except for that speech, Obama never - either as a candidate or president - actually promised to purge politics from the White House or made an issue out of it - "and they certainly could have," said a senior Democrat with close ties to the Chicago-based Obama 2012 campaign.

Yet now, the Democrat said, he's bound to be judged on the high ethics standards he's set in other areas despite an administration that "seems dramatically less political than their recent predecessors."

Marrone, Ana

From: Carolyn Lerner <clerner@ (b) (6) .com>
Sent: Friday, July 22, 2011 8:11 AM
To: Miles, Adam
Cc: Cohen, Mark; Marrone, Ana; Beneze, Elisa
Subject: Re: Politico: Campaigning from the WH

Let's have a few quotes ready in case of press calls today. I have to go back to the dentist this am but hope to be in by 10:00 or 10:30.

Sent from my iPhone

On Jul 22, 2011, at 7:14 AM, "Miles, Adam" <(b) (6)@osc.gov> wrote:

From: Adam Miles
To: Miles, Adam
Sent: Fri Jul 22 07:10:49 2011
Subject: Politico: Campaigning from the WH

Campaigning from the White House

By: Glenn Thrush and Josh Gerstein

July 22, 2011 04:32 AM EDT

<http://dyn.politico.com/printstory.cfm?uuid=2150BF8B-8D83-43C5-AA83-0BCD7FC524DA>

During the 2008 campaign, then-Sen. Barack Obama's staff tweaked the Clintons for renting out the Lincoln bedroom and Obama himself described George W. Bush as running "the most politicized White House in history."

Now, as Obama's re-election effort slowly gathers momentum, the White House is trying to balance Obama's squeaky-clean brand with the bruising politics of a campaign headquartered in Chicago – but with a major branch office at 1600 Pennsylvania Avenue.

"The campaign is being run out of Chicago – not the White House," Obama's communications director Dan Pfeiffer told POLITICO. "We will be coordinated but [2012 campaign manager] Jim Messina and his staff are in charge of the campaign."

Still, the lines aren't always distinct, and much of the highest-profile and controversial campaign activity thus far has taken place on the D.C. side of the Reagan-O'Hare shuttle.

The addition of senior adviser David Plouffe, Obama's outwardly unassuming but commanding 2008 campaign manager, to the White House staff last fall sent an unmistakable message that Obama was trying to get control of his organization with

2012 fast approaching. Since the arrival of Plouffe, the White House hasn't been especially shy about politicking, organizing and fundraising within ethical guidelines, federal law and their own interpretation of political propriety – even though they chafe at the idea that they are the Beltway tail wagging the Midwestern dog.

No laws prohibit the president or senior West Wing officials from engaging in electoral activity during their day jobs, although the 1930s-era Hatch Act prohibits them from using government resources to do so or to fundraise in U.S. government offices. Most federal workers, including White House staff, are permitted to politick during their off hours, but not while at work.

Yet the legal distinctions can be fine and hard to pin down. For example, White House aides and Obama cabinet members can't solicit donations, but they are legally allowed to speak at fundraisers. And there are other nettlesome questions such as whether low-level White House staffers can be cleared for political work, where and when can they electioneer, and whether it's okay to invite donors to the White House residence – even if you don't actually ask them for money.

Complicating matters, Team Obama closed its taxpayer-funded political office, the center of White House political coordination since the Carter administration and last run for Obama by Patrick Gaspard, now at the Democratic National Committee.

White House spokesman Eric Schultz described the move “as part of an effort to make sure that White House staff and resources were being allocated most efficiently and effectively in support of the president's policy priorities.”

But just four days after the office's closure became public, an independent watchdog agency within the executive branch issued a long-awaited ruling slamming Bush's Office of Political Affairs for repeatedly violating the Hatch Act by allegedly organizing the travel of cabinet members to advance political goals and conducting political briefings at government agencies.

Embedded in the Office of Special Counsel report was a finding that, in theory, rendered years of White House political work illegal: A determination that it was improper for junior staffers to engage in political activity on the job – even if that was their job.

“This has really taken people by surprise,” said Richard Painter, an ethics lawyer for the Bush White House. “There would be no support staff, no secretaries or anybody for you..... You couldn't run an office that way.”

Despite serious misgivings about the legal rationale, Obama's lawyers have instructed aides to comply with the ruling. That means only “commissioned officers”—people who hold the title of special assistant to the president or above—can work on political matters in the office or during working hours.

In an attempt to keep the ethical lines clear and streamline communication, Obama has authorized a small group of senior West Wing officials, led by Plouffe, to communicate directly with counterparts in Chicago, according to Democrats close to the situation.

Besides Plouffe, the list includes chief of staff Bill Daley, Obama's 2008 campaign chairman and still a key figure in Democratic fundraising; deputy senior adviser

Stephanie Cutter, a veteran political operative who held a top post in John Kerry's 2004 campaign; press secretary Jay Carney; senior adviser Valerie Jarrett; and deputy chief of staff Alyssa Mastromonaco, a former campaign scheduler who helps coordinate logistics between the campaign and White House.

Pfeiffer is also on the list, and he has also been tasked to represent the West Wing on a daily messaging call with the Democratic National Committee and Obama's Chicago-based campaign, a senior Democrat told POLITICO.

At the same time, Obama's lawyers have tried to construct some firewalls between White House operations and the campaign's.

"All known web-based email services" are blocked from official White House computers, an administration official told POLITICO. That makes it more difficult for aides to engage in correspondence that doesn't go into official archives and might escape scrutiny from congressional investigators.

In addition, work relating to the re-election campaign or other political matters is supposed to be done on Blackberries or other equipment provided by the DNC or the campaign, officials said.

When e-mail traffic combines official and campaign-related matters, staffers are told to use the official system so that a permanent record is kept. "Documents and information that relate to the President's official duties are preserved in compliance with the [Presidential Records Act], even if they also have a political component," an official said.

By law, Obama can do some things his aides can't—like solicit donations, though not in the Oval Office. His personal involvement in the re-election effort, so far, appears to be limited, but it is growing.

Obama, along with Plouffe, outgoing Council of Economic Advisers Chairman Austan Goolsbee and other aides, has filmed campaign videos. And while the president's been absorbed in the debt ceiling negotiations and a succession of international crises – his "day job" as he calls it — Obama has ratcheted up his public fundraising appearances and private meetings with Democratic political operatives.

Gaspard visited the White House 13 times in the weeks after he left his White House job earlier this year, official appointment records show. Messina, who left a deputy chief of staff job at the White House in late January to take up his campaign duties in Chicago, had no fewer than 12 appointments in the complex in the two months after he left, visiting Plouffe, Obama and Daley.

Not all the trips were strictly political: "POTUS has just asked to meet with Patrick in the Oval," reads the entry for March 31st for Gaspard – when Obama presented his longtime aide with a going-away present.

Even though his staff says he's occupied with the demands of his job, Obama has clearly stepped up his fundraising schedule and regularly consults with political advisers. He's even courted a little controversy – though ethics experts say he hasn't let his political team run amok, as Bush and Clinton reportedly did.

But Obama's activities have not been without controversy. On March 7th, he led a DNC-organized economic policy discussion with fundraisers and potential fundraisers in the White House's Blue Room – an event that was not included in the president's daily schedule and which attracted the attention of House Oversight Committee chairman Darrell Issa (R-Calif.) after a story about it appeared in the New York Times.

"Recent media reports indicate that the Obama administration may be engaging in an array of potentially illegal fundraising behavior," Issa wrote in a July 11 letter to White House counsel Kathryn Ruemmler. "These reports raise serious questions about whether the administration—in its apparent push to raise unprecedented sums of money for the president's re-election effort—is failing to comply with federal campaign finance laws, restrictions on involvement in political events, and other federal laws."

This White House says the event was not a fund-raiser, that all its fundraising and political events have been legal and that they have ample precedent in prior administrations. Many legal experts agree. So over the next year donors who pony up \$5000 can gain access to a monthly series of lectures in New York, featuring the likes of Daley, Plouffe, Cutter, Mastromonaco, deputy chief of staff Nancy-Ann DeParle, senior counselor Pete Rouse, Jon Carson, the White House director of public engagement, and Michelle Obama's chief of staff Tina Tchen.

But Issa's comments, ironically enough, track closely with then-Sen. Obama's criticism of the Bush White House for letting politics pervade the executive branch.

"This has been the most politicized White House in history and the American people have suffered as a result," Obama told an audience in Manchester, N.H. on June 22, 2007. "Now, presidents obviously want to surround themselves with those people who share their views and their beliefs. There's nothing wrong with that per se, but the days of firing eight qualified U.S. attorneys because of their politics is over. The days of using the White House as another arm of the Republican National Committee are over."

Still, except for that speech, Obama never - either as a candidate or president - actually promised to purge politics from the White House or made an issue out of it - "and they certainly could have," said a senior Democrat with close ties to the Chicago-based Obama 2012 campaign.

Yet now, the Democrat said, he's bound to be judged on the high ethics standards he's set in other areas despite an administration that "seems dramatically less political than their recent predecessors."

Hamrick, Erica

From: Google Alerts <googlealerts-noreply@google.com>
Sent: Friday, June 24, 2011 8:15 PM
To: Hamrick, Erica
Subject: Google Alert - "hatch act"

News

1 new result for "**hatch act**"

WH releases names of guests at Blue Room donor meeting

Politics

At a House hearing this week, two Bush White House ethics lawyers said the session raised questions under the **Hatch Act**, the federal law limiting political activity on federal property and by government officials. "It is unclear why the Democratic ...

[See all stories on this topic »](#)

This as-it-happens Google Alert is brought to you by Google.

[Remove this alert.](#)
[Create another alert.](#)
[Manage your alerts.](#)