

WHORM AND WAVES

Amid the excitement yesterday, you may have missed the news that the White House visitor logs are public documents.

A U.S. judge ordered the Secret Service on Monday to disclose records of visits by nine prominent conservative Christian leaders to the White House and Vice President Dick Cheney's residence.

The ruling, in response to a legal watchdog group's suit, could shed light on the influence leaders like James Dobson of Focus on the Family have had on President George W. Bush's administration. It may also affect legal efforts to force the release of visiting records of convicted lobbyist Jack Abramoff and other similar cases.

I'm sure this will be in the Courts for another year and a half—at which point Dick will invite Scalia to go quail hunting again, and we'll never get the records.

But for now, look at the oozing skepticism of Judge Royce Lamberth. He describes the fluid nature of Secret Service records.

The Secret Service's past retention practices for WAVES and ACR records have proven to be **pliant and evolving**. Paul Morrissey, the Deputy Assistant Director of the Office of Protective Operations, declares that every 30 to 60 days the Secret Service will copy the WAVES records stored on the Secret Service's "servers" to a compact disc (CD-ROM). 3d Morrissey Decl. at ¶ 18. After making a copy of the records, the Secret Service transfers the CD-ROM containing the WAVES records to the White House Office of Records Management (WHORM). Id. at ¶ 18. A WHORM employee "typically signs a form acknowledging receipt of the

records.” Id. After delivering the CD-ROM to the WHORM, the Secret Service erases the WAVES records “from its computer system.” Id. The Secret Service’s practice of purging and overwriting WAVES records that are “older than 60 days” occurred from “at least 2001” until “November 2004.”[my emphasis]

And then elaborates on that in a footnote.

The declarant does not explain with precision when, exactly, the Secret Service began deleting all WAVES records from its computer system. While he states that this policy has been in effect “[s]ince at least 2001,” it is not clear to the Court whether the Secret Service has always deleted WAVES records from its computer system or whether this policy was implemented at the start of 2001. It is also unclear when the Secret Service began transferring these records to the WHORM. The other declarations provided by the Secret Service contain nearly identical language and are just as unhelpful. Compare 3d Morrissey Decl. at ¶ 18 (“Since at least 2001, it has been the practice of the Secret Service to transfer newly-generated WAVES records on CDROM to the [WHORM] every 30 to 60 days.”) with Declaration of Philip C. Drodge at ¶ 9 (“Since at least 2001, it has been the practice of the Secret Service to transfer newly-created WAVES records to the [WHORM] on CD-ROM every 30 to 60 days.”) and O’Donnell Decl. at ¶ 14 (“Accordingly, since at least 2001, it has been the practice of the Secret Service to transfer WAVES records on compact disc to the [WHORM] every 30 to 60 days.”). **Adding to the uncertainty on**

this point, the Secret Service has previously taken the position, in a similar case before the Court, that it has a "longstanding practice" of erasing WAVES records once they have been transferred to the WHORM. See Judicial Watch v. United States Secret Service, No. 06-310, First Declaration of Kathy J. Lyerly at ¶ 10. The Secret Service seems to have since abandoned referring to this as a "longstanding practice."
[my emphasis]

Call me crazy, but I detect a sneer in that "pliant and evolving." Not to mention real disbelief in "seems to have abandoned referring to this as a longstanding practice." And it sure strikes me that Lamberth is bemused by the uniformity of descriptions about a subject the timing of which the witnesses have absolutely no recall.

And if they got rid of all these records, how do we know that JimmyJeff GannonGuckert was attending slumber parties in the White House?

And just for kicks. If you want to drive Dick Cheney crazy crazier than he already is, I suspect publishing this level of detail about the, um, archaic record keeping on his visitors, would do the trick.

Both the daily and permanent access lists are given to the individual Secret Service officers stationed at the entrances to the Vice-President's Residence. Id. at ¶ 33. When a visitor enters the Residence, the Secret Service officer working at the entrance will record the visitor's arrival. This information is recorded in what the Secret Service refers to as the "post entry logs." The Secret Service officer will record the name of visitor and the date and time the visitor entered the Residence. This information is all handwritten in the

post entry logs. As a result, this information exists only on paper; it is not stored electronically.

Lamberth adopts an even more disgusted tone when he returns to Dick's records later.

Whether the records at the Vice-President's Residence are integrated into the Secret Service's filing system is a nebulous question. While requests for access are typically destroyed after 15-30 days, this practice has not been uniformly applied throughout the relevant time period. The Secret Service acknowledges that it has retained some requests for access, just not consistently. 3d

Morrissey Decl. at ¶ 39 n.2. **The Secret Service does not, however, explain where these records were stored, except to say that the records were "discovered . . . in places where such documents are not normally stored."** Id. Nor does it explain where these types of records are "normally stored." The same uncertainty exists with daily access lists. While the Secret Service states that it disposes of these records on a daily basis, it notes that it "discovered" some daily access lists in a location other than where they are "normally stored." Id. Again, **the Court is left to wonder where these records are "normally stored,"** which is central to understanding whether the records are integrated into the agency's filing system. [my emphasis]

I wonder which Dick is more pissed about. His telecoms didn't get immunity. Or everyone knows the secret code to get into the Vice President's residence?