

# PLAME INVESTIGATION AND MISSING EMAILS TIMELINE

Okay, what follows is an uber-timeline, matching the dates for which OVP and WH don't have any email archives to the Plame investigation, as well as laying out further details on how the investigation proceeded over time. Before you read further, a couple of important comments:

- It would be completely irresponsible to assume that the email losses are entirely related to the Plame investigation. The large number of emails missing from CEQ, CEA, OMB, and OTR shows that, even if the emails were disappeared deliberately (which is a big assumption), they were disappeared for a myriad of reasons, many of them completely unrelated to the Plame investigation. That's part of the reason I did the Medicare Part D post—while that post, like this one, is completely speculative, it shows there may be any number of explanations for the missing emails.
- This post relies on information about the investigation revealed during the Libby trial. With

one exception (the WHIG subpoena), those materials cover only subpoenas to OVP. There are undoubtedly subpoenas to the White House that we don't know about that may pertain to these dates.

- Remember that, in addition to the days for which no email archives exist for a given office, there are a large number of days for which offices don't have archives of all the emails (that is, days when an archive includes vastly fewer emails than the office would have sent). So this timeline probably leaves out a large number of days which might be interesting or pertinent, because some significant number of emails are missing from the archives.
- Even if all the connections you could might draw from this timeline were valid, they still wouldn't explain all the funkiness with email pertaining to the Plame investigation. It still doesn't describe possible funkiness with the Rove-Hadley email, and the search terms used to find emails

may have led to further funkiness.

- I will do a speculative post on some of the connections we might draw (probably tomorrow or Monday, I'm toast). But understand that this whole examination is one big experiment, which has the potential of drawing completely bogus conclusions. By looking solely at two discrete events, we presume a connection between them that ignores the complexity of the White House, or even the sheer number of potential scandals!
- Much of this work—particularly the chronology of what evidence was turned over to investigators when—relies on work Jeff did and on ongoing conversations he and I have been having. Thanks to Jeff for sharing that earlier work.

So here's your timeline:

**March 2003:** Starting date of period during which White House has incomplete archives for emails. Because the White House was taping over prior backup tapes, from March to October, 2003, email archives and backup tapes are incomplete.

**March 8, 2003:** DIA provides report to Rummy using Wilson's trip report to sustain the Iraq

uranium claims.

**March 25, 2003:** Bush issues EO 13292 that, after turning it into Pixie Dust, Cheney would later use to justify his insta-declassification.

**July 11, 2003:** Rove writes Hadley email immediately after his call with Matt Cooper.

**September 12, 2003:** No email archive of OVP emails.

**September 14, 2003:** Wilson article in San Jose MercNews. Cheney appears on MTP.

MR. RUSSERT: Now, Ambassador Joe Wilson, a year before that, was sent over by the CIA because you raised the question about uranium from Africa. He says he came back from Niger and said that, in fact, he could not find any documentation that, in fact, Niger had sent uranium to Iraq or engaged in that activity and reported it back to the proper channels. Were you briefed on his findings in February, March of 2002?

VICE PRES. CHENEY: No. I don't know Joe Wilson. I've never met Joe Wilson. A question had arisen. I'd heard a report that the Iraqis had been trying to acquire uranium in Africa, Niger in particular. I get a daily brief on my own each day before I meet with the president to go through the intel. And I ask lots of question. One of the questions I asked at that particular time about this, I said, "What do we know about this?" They take the question. He came back within a day or two and said, "This is all we know. There's a lot we don't know," end of statement. And Joe Wilson—I don't who sent Joe Wilson. He never submitted a report that I ever saw when he came back.

[snip]

I have no idea who hired him and it never came...

MR. RUSSERT: The CIA did.

VICE PRES. CHENEY: Who in the CIA, I don't know.

Jeff noted (via email) that Cheney's response almost exactly regurgitates the OVP talking points Cheney dictated during leak week—and Russert responds as the talking points set up, by offering up that the CIA sent Wilson.

**September 26, 2003:** DOJ starts an investigation into Plame leak.

**September 29, 2003, morning:** Scottie McClellan claims ignorance of a DOJ investigation into the leak.

**September 29, 2003, evening:** John Ashcroft informs Alberto Gonzales of investigation.

**September 30, 2003, morning:** Alberto Gonzales informs White House staff of investigation.

**September 30, 2003, 6:15 PM:** Alberto Gonzales informs White House to retain (for period from February 1, 2002 to present):

- Materials relating to Wilson, Plame CIA identity, or Wilson's trip to Niger
- Materials relating to discussions with journalists about Wilson and/or Plame
- Materials relating to Novak, Royce, or Phelps, or anyone "acting directly or indirectly on behalf of them" [note, this last bit would presumably cover the involvement of Hohlt and Duberstein—it's the first

time I noticed this]

**October 2003 (unknown date):** White House CIO stops "recycling" backup tapes.

**October 1, 2003:** Mayfield to Martin email passing on transcript from that day's Press Gaggle; the email was not apparently turned over until February 2006, presumably among the emails "not archived properly."

Armitage "recognizes" he is Novak's source, tells Powell, Taft; Taft provides minimal details to Gonzales.

No email archive of OVP emails.

**October 1 or October 2:** Sometime before his trip to Jackson (see October 6), Libby also told the Vice President:

"Look, I wasn't the source of the leak of this . In fact , I learned it from Tim Russert. And, you know, by that point he was, you know – other – lots of reporters knew, all the reporters knew, he told me all the reporters knew,"

**October 2, 2003:** DOJ requests White House turn over materials relating to Wilson, his Niger trip, Novak, Royce, and Phelps. Armitage interviewed by FBI. No email archive of OVP emails.

**October 3, 2003:** Gonzales informs White House to turn over materials by October 7. Jim Comey nominated DAG.

Libby finds the June note recording Cheney telling him about Plame. He then told Cheney:

I told you something wrong before. It turns out that I have a note that I had heard, heard about this earlier from you and I just – you know, I didn't want to leave you with the wrong, I didn't want to leave you with the wrong statement that I heard about it from Tim Russert. In fact, I had heard about it earlier,

but I had forgotten it.

No email archive of OVP emails.

**October 5, 2003:** Date on which Martin to Fleischer email printed out, apparently by Martin. It was originally written on July 7, 2003 and contained OVP talking points on Wilson for Fleischer to use in his press briefing, including the words, "Niger" and "Joe Wilson." Probably turned over to DOJ on October 9, 2003. No email archive of OVP emails.

**October 6, 2003:** Libby returns from Jackson Hole. According to his own account, Libby probably talks to Cheney about helping him get Scottie McClellan to publicly exonerate him from the leak.

**October 7, 2003:** Reporter asks Scottie McClellan whether White House officials have to turn over emails they've deleted.

Q No, I understand that. I'm just saying how would this work? Let's say I remember – I'm an official, I remember sending some email about this, but I've long since deleted it. How –

[snip]

Q I just want to be clear, though, the White House is obligated to provide emails that may have been deleted by the individual but are still archived by the White House –

MR. McCLELLAN: Look back – it said what is in the possession of, I believe, in the White House, the employees and staff.

In same briefing, Scottie exonerates Libby (and Rove and Abrams).

FBI interviews Novak.

**October 13, 2003:** Date on which July 11, 2003 Martin to Michael Anton email printed out. The

email was apparently discovered in a search of OVP files by "OVP RM." It mentions "Niger" and "Wilson."

**October 14, 2003:** FBI interviews Libby.

**October 17, 2003:** FBI interviews Grossman. David Cloud article purportedly describes INR memo.

**October 20, 2003:** Deputy Assistant AG Bruce Swartz reviews Libby documents in Addington's office; he requests a number of these documents.

**October 21, 2003:** Addington provides Libby documents to Swartz.

**October 22, 2003:** FBI interviews Cathie Martin.

**November 14, 2003:** Eckenrode speaks to Russert by phone; Russert refutes Libby's claim that Russert told Libby about Plame.

**November 24, 2003:** Eckenrode speaks to Russert by phone.

**November 25, 2003:** Per *Hubris*, date on which Rove aide B.J. Goergen prints out Rove-Hadley email (eventually turned over on October 14, 2004). The email mentions "Cooper" and Niger."

**November 26, 2003:** FBI interviews Libby and asks him to sign waiver freeing journalists to testify (he refuses). Earliest Rove email preserved by RNC.

**December 11, 2003:** Jim Comey assumes role of DAG.

**December 16, 2003:** Subpoena for:

- Libby, Martin, and Millerwise notes, phone logs, and calendars for May 6-10, June 1-15, July 4-25, July 28-29, September 27-October 13
- Materials relating to early Kristof or Pincus articles
- Materials relating to either



## version (June 10 or July 7) of the INR memo

The last of these notes would not be returned until March 5, after Libby's first appearance before the grand jury, though they had a due date of December 23.

**December 17, 2003:** No email archive of WH emails.

**December 19, 2003:** Libby certifies his response to the December 16 document request.

**December 20, 2003:** No email archive of WH emails.

**December 21, 2003:** No email archive of WH emails.

**December 22, 2003:** Due date for December 16 document request. Martin certified her documents on this day.

**December 24, 2003:** Addington submits originals of Libby notes subpoenaed on December 16. These include handwritten notes regarding the negotiations between Libby, Cheney, Hadley, and (second-hand) John McClaughlin regarding the July 11 CIA statement, including discussion about declassification of the NIE, the trip report, and the January 24 document. It also includes the original hand-written copy of Libby's note recording Cheney telling him that Plame worked at CIA.

Sometime after this but before the end of January, Libby turns over his notes from June 9, 2003, which show Bush expressed concern about the Kristof allegations on the morning before OVP started its aggressive research into Wilson's trip.

**December 30, 2003:** Ashcroft recuses himself, Comey names Fitzgerald Special Counsel.

**January 2 through 6, 2004:** Press reports on request for waivers for journalists.

**January 5, 2004:** Libby signs a waiver releasing

journalists of confidentiality.

**January 9, 2004:** No email archive of WH emails.

**January 10, 2005:** No email archive of WH emails.

**January 11, 2004:** No email archive of WH emails.

**January 12, 2004:** Fitzgerald tells Novak he has waivers from Rove and Armitage.

**January 14, 2004:** Novak interview; Fitzgerald also brings Harlow waiver.

**January 15, 2004:** Cathie Martin interview.

**January 23, 2004:** Addington receives subpoenas (dated January 22):

1. For materials relating to calls made during the July 12 Air Force Two trip (which would include the calls to Cooper, and possibly others), due January 30.
2. For materials relating to Wilson, his trip, or Valerie, extended to include the period from October 1 to January 23, due February 6.
3. For materials relating to a long line of journalists, including Miller and Cooper, due on February 6.

That night (on Friday, at 5:42 PM), Addington sends out an email alerting OVP staff to retain this information. Date Cathie Martin printed out September 30, 2003 email referring to Cooper's article and speculating Libby might be Cooper's source.

On the same day, the White House received a subpoena for all documents relating to WHIG, from July 6 to July 30, 2003, due on February 4.

**January 26, 2004:** Addington sends out the formal request to fulfill January 22 subpoenas, due January 29.

**January 29, 2004:** No email archive of OVP or WH emails.

**January 30, 2004:** No email archive of OVP emails. Libby certifies his response to subpoena for July 12 Air Force Two documents. Deadline for WH subpoena on Air Force One phone records, July 12 Gaggle transcript, and Gerald Ford party guest list.

**January 31, 2004:** No email archive of OVP emails.

**February to early March, unknown date, 2004:** Libby talks to Russert about speaking to Libby's lawyer.

I spoke to him but not – I didn't talk to him about the content of the investigation. I did call him at one point to ask if he would be willing to talk to my lawyer.

**February 1, 2004:** No email archive of WH emails.

**February 2, 2004:** Addington drafts a letter to Keith Roberts, Acting General Counsel, Office of Administration, listing the new terms for a search of the **OV P domain**. The proposed search would apparently not return emails referring to Judy Miller or Matt Cooper by either their nickname or just their last name. If "Joe Wilson" or "Niger" were mentioned in the October 1 gaggle, the October 1 Martin to Mayfield email should have been found in this search. No email archive of WH emails.

**February 3, 2004:** No email archive of WH emails.

**February 4, 2004:** Libby certifies his response to subpoena for WHIG materials.

**February 5, 2004:** Libby certifies his response for Wilson materials (since beginning of investigation) and for journalist materials.

Novak interviewed.

**February 7, 2004:** No email archive of OVP or WH emails.

**February 8, 2004:** No email archive of OVP or WH emails.

**February 11, 2004:** Date on which June 11, 2003 Martin to Mayfield email printed out. The email was apparently discovered in a search of OVP files by "OVP RM." It mentions "Pincus" and "Niger."

**February 11, 2004:** Date on which July 11, 2003 Martin and Cooper email exchange printed out. The email was apparently discovered in search of OVP files by "OVP RM." It mentions "Matthew Cooper" and "Niger." Cooper's initial email was printed out, probably on July 11 or 12, though it has no date; Libby wrote notes on it on how he would respond to Cooper.

**February 12, 2004:** FBI interviews Addington.

**February 13, 2004:** Ari Fleischer gets immunity.

**February 25, 2004:** Novak testifies to grand jury.

**March 5, 2004:** Libby's first GJ appearance. During that appearance, Libby comments that there are emails reflecting a conversation with Novak in late July 2003.

My note – I do have a note somewhere around the 25th or the 28th which indicates something about Novak and uranium, and there is subsequently some e-mails that I've seen so that indicates that to me that was the time, because I only remember one conversation.

After returning from the GJ, someone printed out Libby's schedule for June 12, 2003 (the day Cheney purportedly told him about Plame and also the date Grossman may have told him about Plame). Later the same day, Addington turned over six pages of material responsive to the

December 16, 2003 subpoena, though apparently not the schedule for June 12.

**March 18, 2004:** Addington turns over Jenny Mayfield's "Niger/Uranium" folder contents (which contains 414 pages), which she admitted to having on March 17 in an interview. Among other things, the folder contains Libby's edit of the OVP talking points Cheney dictated to Martin (on which Libby notes some awareness of Wilson's 1999 trip), the transcript from Condi's disastrous June 8 appearance on George Stephanopoulos, a copy of the June 13 Kristof article, and Libby's underlined copy of Joe Wilson's op-ed. While the Condi transcript and the Kristof article had not been formally subpoenaed at that point, both the talking points and the underlined Wilson op-ed should have been turned over to the government in response to the very first October 3, 2003 document request.

**March 24, 2004:** Fitzgerald asks Libby about email, suggesting Fitzgerald was surprised by the lack of email he received as evidence.

Q. You're not big on e-mail I take it?

A. No. Not in this job. I was in my prior job.

**April 6, 2004:** Addington sends memo in response to subpoena seeking, "All versions and/or drafts of daily schedules and calendars for Vice President Richard B. Cheney and Chief of Staff Lewis Libby for the period July 6, 2003 through July 14, 2003." The memo is numbered and instructs, "Do Not Reproduce or Disseminate," though the subpoena does not require such a warning. Due date on subpoena is April 14.

**April 14, 2004 (presumably):** Libby turns over schedule for July 8, 2003 reflecting "private meeting at St. Regis."

**May 8, 2004:** Debra Heiden turns over original copy of Cheney's annotated copy of Wilson's op-ed; Heiden produced a copy to Addington on

October 7, 2003.

**June 5, 2004:** WaPo confirms Cheney interviewed by Fitzgerald.

**June 24, 2004:** Fitzgerald interviews Bush.

**August 2004:** In response to "unspecified legal inquiries," RNC stops its automatic email destruction policy.

**October 2004:** Per *Hubris*, Rove lawyer Robert Luskin first notices the Rove-Hadley email.

Rove's office had given Luskin a folder full of e-mails that included the one Rove had sent to Hadley. But Luskin hadn't noticed the important Hadley e-mail until October 2004, just before Rove was about to go back to the grand jury for the third time. (402)

**October 14, 2004:** Per *Hubris*, Rove turns Rove-Hadley email over to Patrick Fitzgerald.

...on this day [Rove] turned over what he claimed was a recently discovered copy of the July 11, 2003, e-mail he had sent to Deputy National Security Adviser Stephen Hadley. (377)

**2005, unknown date:** RNC terminates Rove's ability to delete his own email.

**February 15, 2005:** Appeals Court rules Miller and Cooper must testify. No email archive of OVP emails.

**February 16, 2005:** No email archive of OVP emails.

**February 17, 2005:** No email archive of OVP emails.

**May 21, 2005:** No email archive of OVP emails.

**May 22, 2005:** No email archive of OVP emails.

**May 23, 2005:** No email archive of OVP emails.

**June 27, 2005:** SCOTUS refuses to hear Miller and Cooper appeal.

**September 30, 2005:** Judy Miller testifies.

**October 2005:** White House Office of Administration discovers not all email has been archived properly.

According to CREW's sources, in October 2005, the Office of Administration ("OA") discovered a problem with this email retention process. The OA undertook a detailed analysis of the issue, which revealed that between March 2003 and October 2005, there were hundreds of days in which emails were missing for one or more of the EOP components subject to PRA. The OA estimated that roughly over five million email messages were missing.

OA briefs Harriet Miers and Patrick Fitzgerald on the email retention process. October 2005 is also the end-date of the period during which White House emails were not preserved properly.

**October 7, 2005:** New subpoena to several people in OVP for all notes and phone logs for Libby from June 16 through July 3. This would give the prosecutors a complete set from June 1 through July 25, and is clearly a response to Miller's testimony that Libby had spoken to her before July 8. The documents were due on October 14. Addington's memo regarding this subpoena also includes a circulation control, noting that only 6 copies existed.

**October 12, 2005:** Judy Miller testifies. Libby certifies his response to October 7 subpoena, noting that "others have custody of other files" which they will produce separately. Jenny Mayfield notes on her certification (dated October 7) that she turned over all related files to Christian Woelk when she became Deputy Press Secretary.

**October 25, 2005:** Peter Zeidenberg asks Adam

Levine about a conversation he had with Rove just before or after Rove's conversation with Cooper. Levine may have sent Rove an email around the same time as Rove sent Hadley an email.

**October 28, 2005:** Libby indicted. Rove avoids indictment with, among other things, last minute explanation for email discovery.

**January 23, 2006:** Fitzgerald informs Libby that not all emails were archived properly.

In an abundance of caution, we advise you that we have learned that not all email of the Office of Vice President and Office of President for certain time periods in 2003 was preserved through the normal archiving process on the White House computer system.

**February 2, 2006:** Date on which Martin to Mayfield email accompanying Scotte McClellan transcript printed out, apparently by David Addington. The emails themselves do not mention "Joe Wilson" or "Niger," though it is unclear whether the transcript included in the email mentions those words (the press briefing from that afternoon mentions "Wilson" but not "Niger"). The date and the high Bates number suggest this email was one of those "not archived properly."

**February 6, 2006:** According to Bill Jeffress, Fitzgerald received the missing emails.

I may say we are also told that there are an additional approximately 250 pages of documents that are emails from the office of the vice president. Your Honor, may recall that in earlier filings it was represented or alluded to that certain e-mails had not been preserved in the White House. That turns out not to be true. There were some e-mails that weren't archived in the normal process but the office of the vice president or the office of



administration I guess it is has been able to recover those e-mails. Gave those to special counsel I think only on February 6 and those again are going to be produced to us.

**January 30, 2007:** Fitzgerald asks Judy Miller whether she corresponded with Libby via email.

**April 13, 2007:** "Gold Bars" Luskin reveals that Fitzgerald made a copy of Rove's hard drive, from which he may have been able to reconstruct emails that were deleted off the server.

**June 18, 2007:** Waxman releases report on White House email use.

**August 22, 2007:** White House claims OA exempt from FOIA.

**November 12, 2007:** Judge issues restraining order preventing White House from destroying backup tapes.

**December 20, 2007:** Waxman renews request for information on White House emails.

**January 8, 2008:** Judge gives White House five days to reveal what emails are recoverable from backup tapes.

**January 15, 2008:** White House CIO submits statement admitting the White House "recycled" backup tapes before October 2003.

Updated per Jeff's comment.