

# DISAPPEARING WHITE HOUSE EMAILS

February 26, 2001: Gonzales informs White House staff they must preserve their email.

April 2001: GAO report on problems with ARMS and emails from the VP's office in the Clinton Administration.

June 4, 2001: Bush announces plan to name CIO to manage and monitor email.

2001, unknown date: Susan Ralston prints off Rove email in response to Enron inquiry, gives that email to Alberto Gonzales, presumably alerting him to Rove's use of RNC servers for official emails.

Late 2001 to early 2002: White House deactivates ARMS system put in place by Clinton Administration to archive emails.

Between 2002 and 2003: White House converts from Lotus Notes to Microsoft Exchange.

March 2003: Starting date of period during which White House has incomplete archives for emails; from March to October, email archives and backup tapes are incomplete.

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

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

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 what to retain.

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." No email archive of OVP emails.

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

October 3, 2003: Gonzales informs White House to turn over materials by October 7. 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 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.

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."

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: Oldest Rove email preserved by RNC.

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

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

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

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 22, 2004: Fitzgerald subpoenas material, including range of contacts with journalists.

January 23, 2004: Last Exchange database backup before server crash on February 5.

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

January 30, 2004: No email archive of OVP emails.

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

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 OVP domain. 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 5, 2004: EOPRM server's drives crashed.

February 6, 2004: Due date for contacts with journalists. Jim Comey clarifies that Fitzgerald can

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

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

February 10, 2004: MS team learns of change in journaling that took place in October 2003.

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 "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.

March 2004: FBI begins probe into Abramoff scandal.

March 5, 2004: Libby's first appearance before grand jury.

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.

May 8, 2004: Fitzgerald interviews Cheney. Date on which Abramoff-Susan Ralston email using the RNC server printed out by Greenberg-Traurig. This may have been the first public indication that White House employees (Ralston) were using the RNC server to bypass the more public White House server.

June 2004: Senate Indian Affairs Committee issues its first subpoena in its investigation into Abramoff scandal.

July 28, 2004: Search for Cooper emails from September 23 and 30, 2004.

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

September 14, 2004: Novak gives deposition.

September 24, 2004: Search for Novak Plame Wilson emails on particular dates.

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 15, 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)

October 16, 2004: Someone does seven searches

for Stephen Hadley email.

October 23, 2004: Someone does five searches for Stephen Hadley email in middle of the night.

November 2, 2004: Final archive plan drafted.

November 4, 2004: Someone accesses Hadley searches.

November 9, 2004: Search for Cooper Rove emails completed from November 10 through 12.

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

February 15, 2005: No email archive of OVP emails.

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

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

March 9, 2005: Someone accesses Hadley email searches from days after Rove turned over email.

March 10, 2005: Someone accesses Hadley email search in middle of the night.

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.

July 26, 2005: Some accesses Rove email search done in November 2004.

Mid-2005: Ability to access email server discovered.

August 2005: Server/application reconfigure errors occur.

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 4, 2005: OCIO figures out emails disappearing.

October 7, 2005: New search on Cooper emails.

~October 10, 2005: 204 OVP emails moved.

October 21, 2005: Messaging team asked to start copying Message Store emails—most of the from OVP—over the weekend.

October 24, 2005: Copying gets stopped over the weekend.

October 25, 2004: McDevitt presentation for email fix.

October 25, 2005: Peter Zeidenberg asks Adam Levine about a conversation he had with Rove just before or after Rove's conversation with Cooper.

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

October 31, 2005: Team identifies gaps in OVP emails on numerous days, including days during which Cheney and Libby crafted their cover story, as well as September 16 through 26, 2005.

November 14, 2005: McDevitt asks John Straub for authorization to do email fix.

November 28, 2005: Fix for lost OVP emails first

proposed.

January 20, 2006: Fix for lost OVP emails proposed again.

January 23, 2006: Steven McDevitt emails Susan Crippen and says someone needs to "fill in" the blanks on email; Crippen replies that SIS has done it.

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.

May 2006: Theresa Payton begins as White House CIO.

August 21, 2006: ECRMS ready to go.

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

Spring 2007: Emails turned over as part of Waxman's GSA investigation and HJC's USA Scandal investigation reveal ongoing use of RNC servers for official government business.

March 13, 2007: A DOJ document dump includes a Scott Jennings' email—pertaining to the hiring and firing of US Attorneys—sent on the RNC server.

April 2007: RNC terminates the ability for White House employees to delete their own emails.

April 12, 2007: CREW releases "Without a Trace" reporting the loss of millions of emails supposedly saved on White House servers.

April 13, 2007: Dana "Pig Missile" Perino press briefing on White House emails.

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.

January 17, 2008: In response to fresh denials about missing email from Tony Fratto, Henry Waxman releases letter detailing many of the dates for which there is no email archive.