

ONE HUNDRED ELEVENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
2157 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6143

Majority (202) 225-5051  
Minority (202) 225-5074

August 17, 2009

The Honorable Gregory B. Craig  
Counsel to the President  
The White House  
Washington, DC 20500

Dear Mr. Craig:

To assuage the concerns of many Americans, I am writing to obtain the full truth about the efforts behind the health care reform postings on the White House blog and the health care reform emails sent to Americans. Specifically, I am interested in the sources of the White House e-mail list and the question of whether political or commercial email address lists are being used for official purposes; the potentially chilling effect the White House's request to have Americans report "fishy" information to [flag@whitehouse.gov](mailto:flag@whitehouse.gov) may have on Free Speech rights; and whether or not such activities are fully in compliance with Presidential Records Act (PRA) policies and processes.

Significant questions have been raised about whether political or commercial email address lists were used to disseminate an official email with the subject line "Something worth forwarding" dated August 13, 2009, from Senior Advisor to the President David Axelrod. In the last Congress, Chairman Waxman conducted a lengthy investigation into whether the Bush Administration and the Office of Political Affairs (OPA) inappropriately blurred the line between official business and political business.<sup>1</sup> Based on reports of Americans who received this e-mail without having contacted the White House, I am concerned about the possibility that political email address lists are being used for official purposes. This, again, raises questions about this Administration blurring the lines between political and official business. Please help us understand the origins of the email address list which corresponds to the recipients of Mr. Axelrod's email. It is possible that OPA or another office within the White House purchased or received an email address list from Organizing for America or some other political or commercial organization. If this is the case, please inform us.

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<sup>1</sup> Democratic Staff, H. Comm. on Oversight and Gov't Reform, 110th Cong., "The Activities of the White House Office of Political Affairs," Oct. 2008, <http://oversight.house.gov/documents/20081015105434.pdf>.

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Additionally, some Americans were concerned to see the White House blog posting asking people to send emails and other website postings to the White House if they seem “fishy.”<sup>2</sup> The fear has been expressed that the White House was asking neighbors to inform on neighbors in a government led data collection effort. To help ease these concerns, please tell us what actions take place or have been discussed in regard to e-mails deemed “fishy” and what safeguards the White House has put in place to insure no retributive steps are taken against those who express dissent. In the interests of full transparency,<sup>3</sup> are you willing to make available to the House Oversight and Government Reform Committee all information and reports sent to [flag@whitehouse.gov](mailto:flag@whitehouse.gov)?

Finally, pursuant to the PRA all email sent or received by White House personnel is subject to retention.<sup>4</sup> During a Committee investigation in the last Congress, the Committee became familiar with the email archiving process at the White House. Consequently, we were perplexed when we heard Robert Gibbs’s exchange with reporters on August 6, 2009.

According to the transcript, in response to a question from a reporter, Mr. Gibbs said “Nobody is collecting names.”<sup>5</sup> After an astute reporter subsequently observed that the White House is indeed required by the PRA to “save all correspondence it receives,”<sup>6</sup> Mr. Gibbs replied “Obviously, the National Archives documents correspondence with the White House.”<sup>7</sup> As I am sure you know this is not the way it works. The White House Chief Information Officer (CIO) is, in fact, responsible for archiving emails sent and received by the White House. Contrary to Mr. Gibbs’s statements, the National Archives is *not* responsible for tracking, retaining, or storing emails until January 20 of the year following the election of a new president.

Under President Bush’s tenure, the staff of the CIO was not political. The CIO’s staff was then comprised of career personnel (apart from the CIO) who for the most part were physically separated from the President’s staff in the West Wing and the Eisenhower Executive Office Building.

To confirm this is the case in President Obama’s White House as it was in President Bush’s White House, I would like your office to provide the Committee with copies of the White House’s current email archiving policy. Also, to clarify Mr. Gibbs’s comments, please provide a full and complete narrative of the process by which emails sent to the White House are archived. I would also like you to confirm that emails sent to

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<sup>2</sup> Macon Phillips, Facts Are Stubborn Things, <http://www.whitehouse.gov/blog/pg4> (last visited Aug. 13, 2009).

<sup>3</sup> Transparency and Open Government, Memorandum for the Heads of Executive Departments and Agencies, 74 Fed. Reg. 4685 (Jan. 26, 2009).

<sup>4</sup> 44 U.S.C. § 2201 *et seq.*

<sup>5</sup> Robert Gibbs, Press Secretary, the White House, Briefing to the Press (Aug. 6, 2009).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

flag@whitehouse.gov email address are archived in a process consistent with current White House policy and current law.

The robust democratic dialogue that health care reform has generated is remarkable. Clearly new media such as YouTube, Twitter and emails have changed the dynamic of debates like this.

I look forward to working with you in a positive manner to ensure that all interests are respected and considered as the debate moves forward into the fall. In light of the President's commitment to transparency and openness in government, I ask that you please respond in writing by August 31, 2009 to the following questions and requests for information and documents.

1. Provide a full and complete rationale for the establishment of the [flag@whitehouse.gov](mailto:flag@whitehouse.gov) email address and identify what the White House plans to do with the information it collects.
2. Confirm in writing that the White House does not intend to take retributive steps against those Americans reported to [flag@whitehouse.gov](mailto:flag@whitehouse.gov) as dissenters.
3. Identify in writing what steps the White House is employing to safeguard the identity of those individuals identified as dissenters.
4. How many messages have been received at the [flag@whitehouse.gov](mailto:flag@whitehouse.gov) address?
5. Are you prepared to produce to the Committee, in redacted or unredacted form, all information sent to [flag@whitehouse.gov](mailto:flag@whitehouse.gov)?
6. Is the White House using [flag@whitehouse.gov](mailto:flag@whitehouse.gov) to compile a master list of individuals or email addresses that have disagreed with the Administration's policies?
7. Identify all sources used to obtain email addresses for David Axelrod's email dated August 13, 2009 with the subject line "Something worth forwarding" [hereinafter The Axelrod Email].
8. Did the White House use email distribution lists for The Axelrod Email that are or were assets or property of any political campaign, national committee, political action committee, 527 committee or project of the Democratic National Committee, including but not limited to Organizing For America [collectively hereinafter "Political Assets"]?

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9. If the White House did use Political Assets in comprising its email distribution lists for The Axelrod Email, please identify what consideration was paid?
10. If consideration was paid for the Political Assets, as is required by law, was this consideration paid for out of monies appropriated by the United States Congress? If the answer is yes, does the White House believe that this was a legitimate and proper use of appropriated funds?
11. Produce copies of the White House email archiving policies.
12. Provide a full and complete narrative of the process by which emails sent to the White House are archived and safeguarded.

I look forward to hearing from you. Thank you for your cooperation in this matter.

Sincerely,



Darrell Issa  
Ranking Member

cc: The Honorable Edolphus Towns, Chairman