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ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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July 17, 2007

Ms. Sara Taylor  
c/o W. Neil Eggleston  
Debevoise & Plimpton LLP  
555 13<sup>th</sup> Street, NW  
Washington, DC 20004

Dear Ms. Taylor:

In recent months, there has been growing evidence that the operations of the Department of Justice, the General Services Administration, and the Surgeon General have been improperly politicized. This has naturally raised questions about whether the politicization of federal agencies is restricted to just these agencies or has spread across government. Documents recently provided to the Oversight Committee suggest that White House efforts to politicize the activities of federal agencies may be more widespread than previously known.

Since March, the Oversight Committee has been investigating the political presentations that you and other White House officials gave to federal officials. As the Committee has learned, some of these presentations were delivered at federal agencies during work hours and discussed how to defeat Democrats and elect Republicans. The U.S. Office of Special Counsel has already concluded that the discussion that followed one of these presentations violated the federal Hatch Act.

As part of this investigation, the Committee has obtained a memorandum you wrote on November 20, 2006, to the Office of National Drug Control Policy. Your memo shows that John Walters, the nation's drug czar, and his deputies traveled at your suggestion to 20 events with vulnerable Republican members of Congress in the months before the 2006 elections. These trips were paid for by taxpayers. On several occasions, they were combined with the announcement of federal grants to the states or districts of the vulnerable Republican members. You included no Democrats or Independents in your memo of suggested travel for Director Walters.

A second document reveals that Karl Rove specifically commended ONDCP and three cabinet departments — Commerce, Transportation, and Agriculture — for “going above and beyond the call of duty” in arranging “surrogate appearances by Cabinet members.” In an e-mail

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to Director Walters and his senior staff, Douglas Simon, ONDCP's liaison to the White House, describes a meeting with Mr. Rove after the 2006 elections, writing:

Karl Rove opened the meeting with a thank you for all of the work that went into the surrogate appearances by Cabinet members and for the 72 Hour deployment. He specifically thanked, for going above and beyond the call of duty, the Dept. of Commerce, Transportation, Agriculture, AND the WH Drug Policy Office. This recognition is not something we hear everyday and we should feel confident that our hard work is noticed. All of this is due to our efforts in preparing the Director and Deputies for their trips and events. Director Walters and the Deputies covered thousands of miles to attend numerous official events all across the country. The Director and the Deputies deserve the most recognition because they actually had to give up time with their families for the god awful places we sent them.

Other documents provide evidence that White House-directed political travel may have occurred before the 2004 and 2002 elections. Prior to the 2004 elections, a political appointee at the Agriculture Department e-mailed an aide to Mr. Rove: "people need to hear the message... that the White House determines which members need visits and where we need to be strategically placing our assets." In a similar e-mail sent to your predecessor, a political appointee at the Interior Department wrote: "these folks need to be reminded who they work for and how their geographic travel can benefit this President." In fact, a slide from a White House political presentation in 2004 suggests that agency heads and other federal officials may have engaged in more than 1,000 appearances with Republican candidates in the 2002 election cycle alone.

I recognize that federal political appointees have traveled to events with members of Congress in prior administrations. What is striking about your memo to ONDCP is the degree of White House control, the number of trips, and the agency involved. As the nation's drug czar, Director Walters has the responsibility to oversee the federal government's domestic and international drug control efforts. It is hard to understand how his ability to perform this essential function would be enhanced by extensive taxpayer-funded travel to "god awful places" to appear with vulnerable Republican members.

In the case of ONDCP, in particular, the politicization described in the documents appears inconsistent with the agency's tradition of nonpartisanship. In 1994, Congress passed legislation to insulate the drug czar and the agency's Senate-confirmed deputies from political pressures by prohibiting them from engaging in political activities even on their own time. Director Walters's predecessor, General Barry McCaffrey, set an admirable model for the agency by scrupulously avoiding politically motivated activities. The public appropriately expects the nation's drug czar — like its Surgeon General — to be immune from political pressure emanating from the White House. Your memo and Mr. Simon's e-mail suggest that these expectations were not met.

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I request that you voluntarily appear at a deposition on or before Tuesday, July 24, 2007, to address the use of federal resources, including the use of taxpayer-funded travel by the ONDCP Director, to help Republican candidates for office. You may also be asked questions at the deposition about other subjects being investigated by the Committee, including the use of RNC e-mail accounts by White House officials and White House political briefings to federal agency officials. I also ask that you reserve Monday, July 30, on your calendar for possible testimony at a hearing of the Oversight Committee on these subjects.

### **Background**

On March 28, 2007, and June 13, 2007, the Oversight Committee held hearings on allegations of misconduct by Lurita Doan, the Administrator of the General Services Administration. During the investigation, the Committee obtained a copy of a political presentation given by your deputy, J. Scott Jennings, on January 26, 2007, to GSA officials that listed Democrats the White House has targeted for defeat in 2008. The U.S. Office of Special Counsel has investigated Ms. Doan's actions and determined that she violated the Hatch Act by "solicit[ing] the political activity of over thirty subordinate employees and imply[ing] that GSA could be used to help get Republican candidates elected."<sup>1</sup>

To investigate these matters further, the Committee wrote to the White House and 28 federal agencies requesting information about whether the White House delivered similar political presentations at other federal agencies. The Office of National Drug Control Policy was one of the agencies the Committee contacted. ONDCP is an office within the Executive Office of the President charged with producing the National Drug Control Strategy, directing national anti-drug efforts, and establishing a program, budget, and guidelines for cooperation among federal, state, and local law enforcement entities.<sup>2</sup> By statute, the ONDCP Director and the agency's Senate-confirmed deputies are prohibited from engaging in campaign activities in either their official or their private capacities.<sup>3</sup>

In response to the Committee's request, ONDCP and other agencies have provided numerous documents to the Committee, which the staff is in the process of reviewing. One document that raises new questions was authored by you.

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<sup>1</sup> Letter from Scott J. Bloch, Special Counsel, to President George W. Bush (June 8, 2007).

<sup>2</sup> Office of National Drug Control Policy, Home Page, About ONDCP (online at [www.whitehousedrugpolicy.gov/about/index.html](http://www.whitehousedrugpolicy.gov/about/index.html)).

<sup>3</sup> 21 U.S.C. § 1703(a)(5) provides: "Any officer or employee of the Office who is appointed to that position by the President, by and with the advice and consent of the Senate, may not participate in Federal election campaign activities, except that such official is not prohibited by this paragraph from making contributions to individual candidates."

### Your ONDCP Memorandum

In response to the Committee's request, ONDCP provided a memo you wrote on November 20, 2006, when you were serving as the Director of Political Affairs in the White House.<sup>4</sup> The memo was also written by Mindy McLaughlin, who served as "Surrogate Scheduler" in the White House.<sup>5</sup> You sent this memo to Douglas Simon, ONDCP's White House liaison.

The subject of your memo is "Director Walters Suggested Event Participation (2006: 31 Events)."<sup>6</sup> It details 31 specific events that you recommended Director Walters or his deputies attend in 2006. Of these 31 events, 28 involved appearances outside Washington, DC, with Republican members of Congress and one involved an appearance with a Republican governor.

Your substantive descriptions of most of these events are just one or two words, providing little detail about drug control policy issues the event was supposed to advance. The typical descriptions are "drug event," "meth event," or "tour and drug event."<sup>7</sup>

The list of Republican officials named in your memo reads like a roster of the most vulnerable Republican members of Congress seeking reelection in 2006. Your memo identifies 29 events with 26 Republican office-holders.<sup>8</sup> Assessments by political analyst Charlie Cook in October and November 2006 considered the re-election races of 23 of the 26 candidates identified in your memo as "competitive;" 15 of the races were listed as "toss-ups."<sup>9</sup> Your list included eleven Republican candidates who lost, ten who won their races with less than 53% of the vote, and two who won by fewer than 1100 votes. You included no Democrats or Independents in your memo of suggested travel by the ONDCP Director.

Your memo indicates that 25 of the 31 events were attended by Director Walters or his deputies, including 20 events with 18 vulnerable Republican members. Fifteen of the 25

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<sup>4</sup> Memorandum from Sara Taylor, Director, White House Office of Political Affairs, and Mindy McLaughlin, Surrogate Scheduler, White House, to Doug Simon, White House Liaison, ONDCP (Nov. 20, 2006) (Simon-22).

<sup>5</sup> E-mail from Mindy McLaughlin to John Horton, et. al. (Sept. 8, 2006) (Simon-5).

<sup>6</sup> Memorandum from Sara Taylor, *supra* note 4.

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

<sup>8</sup> Three of the Republican members named in the memo — Senator Jim Talent, Representative John Doolittle, and Representative Scott Garrett — are listed for two events.

<sup>9</sup> The Cook Political Report, *2006 Competitive House Race Chart* (Nov. 2, 2006); *2006 Senate Race Ratings* (Oct. 27, 2006); *2006 Governor Race Ratings* (Oct. 18, 2006).

attended events occurred during the three months prior to the 2006 mid-term elections. Six events are listed in the memo as subsequently “cancelled,” “retracted,” or “regretted.”<sup>10</sup>

The General Counsel of ONDCP has informed my staff that the travel of ONDCP officials to these events was paid for by federal taxpayers.<sup>11</sup> Moreover, news articles reveal that in several instances, these trips were combined with announcements of federal grants or federal actions that benefited the states or districts of the Republican members. For example:

- On August 29, 2006, Director Walters appeared with Republican Representative Jim Gibbons at a press conference in Reno, Nevada, to announce that Washoe County had been designated part of Nevada’s High Intensity Drug Trafficking Area, a designation that brings with it \$500,000 in federal funding to assist local law enforcement efforts.<sup>12</sup>
- On October 2, 2007, Director Walters appeared with Republican Senator Jim Talent at a press conference in Union, Missouri, to announce that four Missouri counties had been designated part of the Midwest High Intensity Drug Trafficking Area.<sup>13</sup>
- On October 11, 2006, Director Walters appeared with Republican Representative Jon Porter in Henderson and Las Vegas, Nevada, to announce \$500,000 in federal funding for a Clark County, Nevada, anti-drug program.<sup>14</sup>

Some of the events were criticized as overtly political at the time, but it appears that the White House and ONDCP ignored these criticisms. In response to an event on August 28, 2006, with Senator Jon Kyl in Tucson, Arizona, David Waid, the Chairman of the Arizona Democratic

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<sup>10</sup> Memorandum from Sara Taylor, *supra* note 4.

<sup>11</sup> Meeting with Edward H. Jurith, General Counsel, ONDCP, and Majority Committee Staff, House Committee on Oversight and Government Reform (June 27, 2007).

<sup>12</sup> *Feds Step In To Help Washoe County, Nevada*, Office of National Drug Control Policy, PushingBack blog (online at [http://pushingback.com/blogs/pushing\\_back/archive/2006/08/30/685.aspx](http://pushingback.com/blogs/pushing_back/archive/2006/08/30/685.aspx)) (posted August 30, 2006, 9:58 a.m.); *Washoe County to Receive New Federal Resources to Fight Drug Trafficking*, US Fed News (Aug. 29, 2006); *Rep. Gibbons, White House ‘Drug Czar’ to Hold Press Conference in Reno, Nevada*, US Fed News (Aug. 25, 2006).

<sup>13</sup> *Four Missouri Counties Get Federal Funds to Fight Meth*, Associated Press (Oct. 3, 2006); ONDCP, *Franklin, Jefferson, Cole, Boone Counties to Receive New Federal Resources to Fight Drug Trafficking* (Oct. 2, 2006); Office of Senator Kit Bond, *Bond-Talent-Hulshof Announce HIDTA Designation for Four Additional Missouri Counties* (Oct. 2, 2006).

<sup>14</sup> *Drug Czar Criticizes Nevada Proposal to Legalize Marijuana*, Associated Press (Oct. 12, 2006).

Party, wrote to Director Walters asking whether government funds were used “to fly to Arizona for the purpose of campaigning for Sen. Jon Kyl,” a Republican in a tight race for reelection to the U.S. Senate.<sup>15</sup> Mr. Waid wrote that the event “clearly qualifies as political activity,” noting that Director Walters’ press release “chose only to complement [*sic*] Sen. Kyl,” while failing to recognize or mention “the successes of the governor and attorney general [who are Democrats] in the fight against methamphetamine use and production.”<sup>16</sup> According to Mr. Waid, he never received a response from Director Walters.<sup>17</sup>

### Mr. Simon’s E-Mail

Your memorandum was attached to a November 21, 2006, e-mail from Douglas Simon, ONDCP’s liaison to the White House, to Director Walters, his deputies, and other top ONDCP leadership. In the e-mail, Mr. Simon recounts a meeting with agency White House liaisons in which Karl Rove praised ONDCP for its “surrogate appearances” leading up to the election.<sup>18</sup>

Mr. Simon’s e-mail shows that ONDCP officials were proud of the commendation they received from Mr. Rove and the political travel they took at your behest to “god awful places.”<sup>19</sup> In fact, two of ONDCP’s Deputy Directors, Scott Burns and James O’Gara, responded to Mr. Simon’s email by congratulating him, writing: “Great work Doug”<sup>20</sup> and “That is fabulous, and Doug it would not have been possible without your making yourself so available (after hours and off site, naturally) to help plug people in to the relevant machinery.”<sup>21</sup> According to Mr. Simon, “our hard work...in preparing the Director and Deputies for their trips and events” allowed them to travel “thousands of miles to attend numerous events all across the country.”<sup>22</sup>

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<sup>15</sup> Letter from David Waid to John Walters, Director, ONDCP (Aug. 28, 2006).

<sup>16</sup> *Id.*

<sup>17</sup> Letter from David Waid to Committee Staff (July 2, 2007).

<sup>18</sup> E-mail from Douglas A. Simon to Michael F. Bishop, *et al.*, (Nov. 21, 2006) (Simon-22).

<sup>19</sup> *Id.*

<sup>20</sup> E-mail from Scott Burns to Douglas A. Simon (Nov. 22, 2006) (Simon-22).

<sup>21</sup> E-mail from James F. O’Gara to Douglas A. Simon, *et al.* (Nov. 21, 2006) (Simon-25).

<sup>22</sup> E-mail from Douglas A. Simon to Michael F. Bishop, *et al.*, (Nov. 21, 2006) (Simon-22).

Mr. Simon wrote:

I just wanted to give you all a summary of a post November 7<sup>th</sup> update I received the other night. Presidential Personnel pulled together a meeting of all of the Administration's White House Liaison's and the WH Political Affairs office. Karl Rove opened the meeting with a thank you for all of the work that went into the surrogate appearances by Cabinet members and for the 72 Hour deployment. He specifically thanked, for going above and beyond the call of duty, the Dept. of Commerce, Transportation, Agriculture, AND the WH Drug Policy Office. This recognition is not something we hear everyday and we should feel confident that our hard work is noticed. All of this is due to our efforts in preparing the Director and Deputies for their trips and events. Director Walters and the Deputies covered thousands of miles to attend numerous official events all across the country. The Director and the Deputies deserve the most recognition because they actually had to give up time with their families for the god awful places we sent them. I attached the final list of all of the official events that the Director and Deputies attended.

Karl also launched into a feisty discussion about plans for the final two years of this administration. In no uncertain terms, he said he is not going to let the last quarter of this presidency be dictated to by the Capitol Hill. ... It is time to regroup and move forward.<sup>23</sup>

### **Other Documents**

Mr. Simon's e-mail indicates that White House-arranged travel to help Republican members in 2006 may have extended beyond ONDCP. According to the e-mail, Mr. Rove singled out three federal agencies, in addition to ONDCP, for special recognition for "the work that went into the surrogate appearances by Cabinet members and the 72 Hour deployment."<sup>24</sup> The other agencies receiving Mr. Rove's commendation were the Departments of Commerce, Transportation, and Agriculture.

Other documents obtained by the Committee suggest that a White House role in planning surrogate travel at taxpayer expense occurred in both the 2004 and 2002 elections. On June 15, 2004, Drew DeBerry, then the White House liaison in the Agriculture Department, sent an e-mail about surrogate travel to Barry Jackson, who was then the Director of the Office of Strategic Initiatives at the White House. In the e-mail, Mr. DeBerry asks Mr. Jackson for a briefing to ensure that Department of Agriculture officials understand that it is the White House that determines which events they attend. Mr. DeBerry wrote:

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

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[P]eople need to hear the message about resisting the urge to travel to the districts of key committee chairmen and members for the sake of building relationships...that the White House determines which members need visits and where we need to be strategically placing our assets.<sup>25</sup>

On March 8, 2004, Matt Schlapp, then the Director of the White House Office of Political Affairs, gave a political briefing to officials at the Department of the Interior. During this briefing, Mr. Schlapp discussed "Senate races in the coming cycle."<sup>26</sup> The next day, in a March 9, 2004, e-mail thanking Mr. Schlapp for the briefing, William Kloiber, the White House liaison at the Interior Department, wrote:

Good job, Alot [*sic*] of pertinent information that we needed to hear. Sometimes these folks need to be reminded who they work for and how their geographic travel can benefit the President.<sup>27</sup>

It is not known how many times the White House directed or suggested that Administration officials travel to events on behalf of Republican candidates. There is some evidence, however, that this practice could have been widespread. During the 2004 election cycle, Mr. Schlapp delivered a political presentation to federal agency officials reviewing the achievements of the President and his surrogates in support of Republicans in the 2002 midterm elections. In the presentation, a slide, entitled "2002 Races," states:

POTUS:	151 Events
VPOTUS:	97 Events
Other:	1,047 Events
Total:	1,295 <sup>28</sup>

There is more than one possible interpretation of this slide. One reading, though, is that agency heads and other Administration officials appeared at over 1,000 events with Republican congressional candidates during the 2002 election cycle alone.

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<sup>25</sup> E-mail from Drew DeBerry, White House Liaison, Department of Agriculture, to Barry Jackson, Director, White House Office of Strategic Initiatives (June 15, 2004) (HOCR002-821) (ellipsis in original).

<sup>26</sup> Attachment to Letter from Matt Eames, Director, Office of Congressional Legislative Affairs, Department of Interior, to Rep. Henry A. Waxman, Chairman, House Committee on Oversight and Government Reform (June 8, 2007).

<sup>27</sup> E-mail from William Kloiber, White House Liaison, Department of Interior, to Matthew Schlapp, White House Office of Political Affairs (Mar. 9, 2004) (HOCR002-769).

<sup>28</sup> "Strategic Overview," Slide Presentation by Matt Schlapp, Director, White House Office of Political Affairs, at Slide 8 (2004) (HOCR002-604).

### **Conclusion**

Evidence is mounting that White House efforts to inject political considerations into official government business extend beyond the Department of Justice and the General Services Administration. At a Committee hearing last week, former Surgeon General Richard Carmona described efforts to politicize the work of his office. Your memo to ONDCP details an extensive itinerary of pre-election travel, including 20 events with vulnerable Republican members. It appears that even historically nonpartisan federal agencies like ONDCP were expected to use federal resources to assist endangered Republican members.

In your position as Director of the White House Office of Political Affairs, you were involved in at least some of these political activities. You also had regular interaction with other White House officials implicated in these activities, including Mr. Rove and Mr. Jennings. For these reasons, the Committee requests that you appear for a voluntary deposition on or before Tuesday, July 24, 2007. You should come prepared to answer questions about the use of federal agencies or resources to help Republican candidates, including the use of taxpayer-funded travel by the ONDCP Director and other agency officials to assist Republican members of Congress in close races. You should also be prepared to answer questions about other subjects being investigated by the Committee about which you may have knowledge, including your use of RNC e-mail accounts and White House political presentations to federal agencies.

In addition, I ask that you reserve Monday, July 30, on your schedule for possible testimony before the Committee on these subjects.

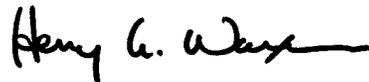
To assist the Committee in preparation for the deposition, I ask that you provide all documents in your possession, custody or control that relate to (1) travel in calendar year 2006 by officials from ONDCP or the Departments of Agriculture, Commerce, or Transportation to events with Republican elected officials or Republican candidates for office, or (2) policies or guidance you received regarding taxpayer-funded travel to events with Republican elected officials or Republican candidates for office.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. A copy of the Committee's rules, including the rules for depositions, is enclosed. A second enclosure provides information about how to respond to the Committee's document request.

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If you have any questions regarding this letter, please contact David Levis or Susanne Sachsman of the Committee staff at (202) 225-5420.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Henry A. Waxman  
Chairman

Enclosures

cc: Tom Davis  
Ranking Minority Member