



U.S. Department of Justice
Civil Division, Federal Programs Branch

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Via E-Mail

Anne L. Weismann, Esq.
Citizens for Responsibility and Ethics in Washington
1400 I Street, N.W., Suite 450
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Re: *White House and Vice President's Residence Visitor Records Litigation Matters*

Dear Anne:

I am writing to summarize the settlement in principle of the various FOIA and FRA lawsuits that have been brought by Citizens for Responsibility and Ethics in Washington ("CREW") against the U.S. Department of Homeland Security and the National Archives and Records Administration relating to visitors to the White House and the Vice President's Residence. In two of the cases, 06-1912 ("CREW 2") and 08-1535 ("CREW 4"), CREW sought visitor records relating to the prior presidential administration regarding visits by certain evangelical Christian leaders and an individual by the name of Stephen Payne, respectively. In two more recent cases, CREW sought visitor records relating to this presidential administration regarding visits by certain coal company executives (09-1101) ("CREW 5") and certain health care industry executives (09-1356) ("CREW 6"). As we have discussed, the White House will announce this week a voluntary disclosure program, pursuant to which visitors to the White House and the Vice President's Residence will be publicly disclosed (subject to certain narrow exemptions).

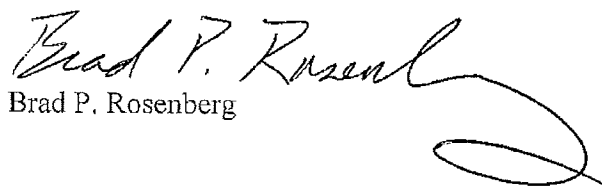
We understand the settlement terms for these cases to be as follows:

- The White House will make a discretionary production of WAVES and ACR records that are responsive to CREW's FOIA request in CREW 6 (with necessary redactions). As we have discussed, the White House has determined that there are no WAVES or ACR records that are responsive to CREW's FOIA request in CREW 5, and the Office of the Vice President has determined, based on a review of relevant records, that there were no visits to the Vice President's Residence by any of the individuals identified in CREW's FOIA requests in CREW 5 and CREW 6.

- Upon receipt of the WAVES and ACR records in CREW 6 and a written confirmation from the White House that there are no such responsive records in CREW 5, CREW will stipulate to the dismissal of CREW 5 and CREW 6 with prejudice, each party to bear its own fees and costs. I have previously forwarded for your review a draft Stipulation of Dismissal with Prejudice for CREW 6 (which can easily be modified for use in CREW 5).
- Upon the discretionary release by the White House, through the National Archives and Records Administration, of the WAVES and ACR records responsive to CREW's FOIA requests in CREW 2 and CREW 4, and upon notice being given to the former Vice President or his representatives, in accordance with E.O. 13489, of the intent to disclose any post-entry logs that are responsive to CREW's FOIA requests in CREW 2 and CREW 4, CREW will agree to file Joint Motions to Vacate Judge Lamberth's Orders requiring the processing of CREW's FOIA requests in CREW 2 and CREW 4, as well as the Order requiring the Archivist of the United States to take actions regarding certain White House and Vice President's Residence visitor records in CREW 2. Those motions will also request the dismissal of CREW 2 and CREW 4 with prejudice. I have previously forwarded for your review a draft Joint Motion to Vacate and to Dismiss with Prejudice for CREW 2 (which can easily be modified for use in CREW 4).
- Upon entry of an order by Judge Lamberth vacating his orders in CREW 2 and CREW 4, the government will move in the D.C. Circuit to withdraw its appeals of those cases, and will begin the processing of the payment of attorney's fees for those cases in the amount of \$149,515.

Please confirm that we have an agreement in principle regarding the next steps to expeditiously resolve the outstanding issues in each of these cases.

Very truly yours,


Brad P. Rosenberg



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