

THE WHITE HOUSE  
WASHINGTON

July 9, 2007

Dear Mr. Kelner:

I write to follow up on my April 17 and June 30, 2007 letters to you concerning White House documents in the form of White House e-mails sent or received on Republican National Committee (RNC) e-mail accounts.

The June 30 letter noted that our initial review of documents the RNC deemed responsive to the House Judiciary Committee's April 12, 2007 requests had indicated that those documents were all, or very nearly all, official White House records involving communications between or among White House officials and between White House officials and other persons. Accordingly, the White House asserted control over these records and directed the RNC not to disclose them to any other person without White House consent.

Based on additional review by this Office, please be advised of the following:

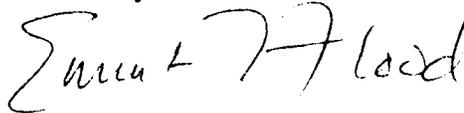
First, a majority of the documents that the RNC deemed responsive to the April 12 letter are called for and covered by the Committee's June 13, 2007 subpoena to the White House. That subpoena seeks "documents in the possession, custody or control of the White House related to the Committee's investigation into . . . the hiring and firing of United States Attorneys" and explicitly "instruct[s]" the White House to produce, among other things, "documents that the [White House] ha[s] a legal right to obtain [or] to copy, or to which [the White House] ha[s] access . . . ." For these reasons, and in view of the White House's June 28, 2007 response to that subpoena, the White House directs the RNC not to disclose such documents to any other person without prior authorization of the White House.

Second, as to certain other documents the RNC has deemed responsive to the April 12 letter, although they do not appear to be called for by the June 13 subpoena, they are nevertheless official White House records relating to the performance of official duties involving communications between or among White House officials and between White House officials and other persons. As to these documents, which implicate Executive Branch interests, the White House directs the RNC not to disclose them to any other person without prior authorization of the White House.

A third category of documents the RNC has deemed responsive to the April 12 letter consists of materials that are either not official White House records, or, to the extent they are such, are either public records or otherwise not subject to Executive Branch interests. The treatment of these documents therefore appears to be a matter between the RNC and the Committee. We have separately identified documents falling into this category for your further consideration.

Please telephone me at (202) 456-1019 if you have any questions about this matter.

Sincerely,

A handwritten signature in black ink that reads "Emmet T. Flood". The signature is written in a cursive style with a large, stylized initial "E".

Emmet T. Flood  
Special Counsel to the President

Robert K. Kelner, Esq.  
Covington & Burling LLP  
1201 Pennsylvania Ave. N.W.  
Washington D.C. 20004

cc: The Honorable John Conyers, Jr.  
Chairman, Committee on the Judiciary

The Honorable Linda Sánchez  
Chairwoman, Subcommittee on Commercial and Administrative Law

The Honorable Lamar Smith  
Ranking Member, Committee on the Judiciary

The Honorable Chris Cannon  
Ranking Member, Subcommittee on Commercial and Administrative Law