



OFFICE OF THE VICE PRESIDENT

WASHINGTON

December 16, 2003

MEMORANDUM FOR: Lewis Libby, Chief of Staff to the Vice President
 Catherine J. Martin, Assistant to the Vice President for Public Affairs
 Neil Patel, Assistant to the Vice President and Staff Secretary
 Victoria Nuland, Principal Deputy Assistant to the Vice President
 for National Security Affairs
 Debra A. Heiden, Executive Assistant to the Vice President

FROM: David S. Addington, Counsel to the Vice President 

SUBJECT: Collection of Certain Documents for Department of Justice Investigation

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

The Criminal Division of the Department of Justice has issued a request dated December 16, 2003 ("DOJ Request," Attachment 1) for production of six categories of documents of the Office of the Vice President (OVP). The OVP will respond fully, cooperatively, and in accordance with the law. The purpose of this memorandum is to obtain your assistance in ensuring that the OVP so responds.

Please read DOJ Request and this memorandum carefully and then carry out the instructions in this memorandum. Your compliance with this memorandum is mandatory.

As you read the DOJ Request and this memorandum, please pay particular attention to the parameters of the DOJ Request, such as beginning and ending dates and specifications of subjects of documents. The term "document," as used in the DOJ Request and this memorandum, is used in a broad sense and includes without limitation all electronic records, telephone records of any kind (including but not limited to any documents that memorialize telephone calls having been made), correspondence, computer records, storage devices, notes, memoranda, and diary and calendar entries, as well as documents covered by the Presidential Records Act and other letters, telephone call slips or logs, notes, and e-mail, and specifically including any documents that may have been archived in the Office of Records Management. You do not need to produce press clips or articles (such as the daily White House press clips) as long as there are no notations or marks upon them and they are not attachments to, or filed as part of, another document.

You must complete the following steps by not later than the close of business on Monday, December 22, 2003:

011986

Step 1. Search for all documents you possess or control that are responsive to the DOJ Request. Your search for documents must be reasonable, diligent and conducted in good faith. In the course of the search, retrieve all documents that are responsive to the DOJ Request. For document categories 1, 3, 4, 5, and 6 of the DOJ Request, you will have met your obligations if you retrieve, photocopy, and produce to me, as provided in Step 2, PHOTOCOPIES of the documents. For documents in category 1 of the DOJ Request, you will have met your obligations if you retrieve and produce to me, as provided in Step 2, ORIGINALS of the documents. With respect to any originals you produce, please retain copies for your files.

Step 2. Complete the attached certification (Attachment 2). If you have found documents pursuant to Step 1 above, attach the documents to the certification, place it in a sealed envelope (or, if necessary, a box) labeled "For VP Counsel," and have the envelope (or box) handcarried to me (David S. Addington, Counsel to the Vice President, Room 268, Eisenhower Executive Office Building, telephone [REDACTED] or via Signal Switchboard). If your responsive documents include material that contains classified national security information, please ensure that you hand-deliver your documents directly to me, drawing to my attention the classified nature of them.

Please call me or stop by my office if you have any questions. Thank you for your cooperation.

011987

ATTACHMENT 1

011988

FROM

(TUE) 12. 16 ' 03 17:36/ST. 17:32/NO. [REDACTED] P 2



U.S. Department of Justice

Criminal Division

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

December 16, 2003

The Honorable David Addington
Counsel to the Vice President
Office of the Vice President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20502

Dear Mr. Addington:

In connection with the Department of Justice's investigation concerning the possible unauthorized disclosure of classified information in the July 14, 2003 edition of the *Chicago Sun-Times* and the July 22, 2003 edition of *Newsday*, I am writing to request the production of the following documents:

1. To the extent not already produced, any daily telephone logs and/or calendars for I. Lewis Libby, Catherine J. Martin, and Jennifer Katherine Millerwise for the following time periods: May 6 through May 10, 2003; June 1 through June 15, 2003; July 4 through July 25, 2003; July 28 through July 29, 2003; and September 27 through October 13, 2003;
2. The originals of handwritten notes taken by I. Lewis Libby and Catherine J. Martin, copies of which previously have been produced to the Department of Justice in connection with this investigation;
3. To the extent not already produced, all handwritten notes of I. Lewis Libby and Catherine J. Martin for the following dates: May 6 through May 10, 2003; June 1 through June 15, 2003; July 4 through July 25, 2003; July 28 through July 29, 2003; and September 27 through October 13, 2003;
4. To the extent not already produced, and limited to the time period May 1 through June 30, 2003, any records in the custody or control of I. Lewis Libby or Debbie Heiden relating to: a May 6, 2003 New York Times article entitled "Missing In Action: Truth"; a June 12, 2003 Washington Post article entitled "CIA Did Not Share Doubt on Iraq Data"; Nicholas D. Kristof; and/or Walter Pincus;

011989

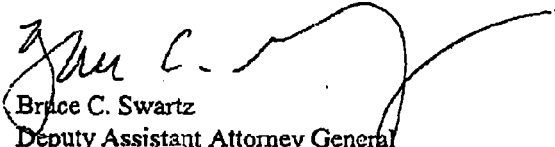
FROM

(TUE) 12. 16' 03 17:36 'ST. 17:32/NO. [REDACTED] P 3

5. Any records relating to a classified State Department document from Carl W. Ford to Under Secretary Marc I. Grossman dated June 10, 2003, including, without limitation: any records relating to the dissemination of such a document; and any copies of such a document in the custody or control of the Office of the Vice President; and
6. Any records relating to a classified State Department document from Carl W. Ford to Secretary Colin Powell dated July 7, 2003, including, without limitation: any records relating to the dissemination of such a document; and any copies of such a document in the custody or control of the Office of the Vice President.

Thank you again for your assistance on this matter. Please do not hesitate to call me if you have any questions.

Sincerely,



Bruce C. Swartz
Deputy Assistant Attorney General

011990

ATTACHMENT 2

011991

CERTIFICATION BY EMPLOYEE, ASSIGNEE OR DETAILEE
 (in response to Department of Justice Request of December 16, 2003)

NOTE: The attorneys in the Office of Counsel to the Vice President are attorneys for the Vice President in his official capacities and are not private attorneys for anyone. The attorney-client privilege does not extend to communications by government employees to government attorneys when such communications are sought for a Federal criminal investigation.

Check one item as appropriate, sign, and date, and
 submit to Counsel to the Vice President by the close of business on Monday, December 22, 2003

_____ I certify that I performed a reasonable, diligent, and good faith search of all the documents in my possession or control for documents responsive to the Department of Justice Request of December 16, 2003 and have produced photocopies of all such responsive documents to the Counsel to the Vice President by attaching them to this certification.

_____ I certify that I performed a reasonable, diligent, and good faith search of all the documents in my possession or control for documents responsive to the Department of Justice Request of December 16, 2003 and found no such documents.

_____ I certify that I have no documents in my possession or control. [Note to Certifier: This is a rare situation; most personnel possess or control at least some documents.]

 Signature of Employee, Assignee or Detailee
 Making Certification Above

 Date

Printed Name: _____

Telephone No.: _____

011992

Addington, David S.

From: Addington, David S.
Sent: Friday, January 23, 2004 5:42 PM
To: All Ovp Users
Subject: URGENT -- Notice of Your Duty to Preserve Additional Documents

Personnel of the Office of the Vice President:

Please read this e-mail message carefully. This message discusses legal obligations that apply to you.

This e-mail message deals with the Department of Justice (DOJ) criminal investigation into possible disclosure to unauthorized persons of classified information concerning Ambassador Joseph Wilson, his trip to Niger in February 2002, his wife, and matters relating thereto.

A Grand Jury of the United States District Court for the District of Columbia has issued subpoenas to the Office of the Vice President for production of certain documents. The OVP will respond fully, cooperatively, and in accordance with the law.

The purpose of this e-mail message is to give you notice that you must preserve all documents responsive to the description of documents that is set forth below. You will receive from me separately hereafter any specific instructions that I may have for you on action you must take to assist OVP in complying with the subpoenas.

Description of Documents to Preserve

1. Any and all records of telephone calls made to and from Air Force Two on July 12, 2003.
2. Any and all records of telephone calls made to and from the government vehicles in which members of the staff of the Office of the Vice President traveled from Andrews Air Force Base on July 12, 2003.
3. All documents, from February 1, 2002 to January 23, 2004, inclusive, including but not limited to, all electronic records, written records, telephone records of any kind (including but not limited to any documents that memorialize telephone calls having been made), correspondence, computer records, e-mail, storage devices, notes (whether handwritten or typed or in any other format), memoranda, and diary and calendar entries in the

possession of the Office of the Vice President, its staff, and employees concerning any discussion of the following:

- a. Ambassador Joseph Wilson or his wife;
- b. Valerie Plame Wilson (or "Valerie Wilson" or "Valerie Plame"); or
- c. A trip undertaken by former Ambassador Joseph Wilson to Niger in 2002 (even if the items/documents themselves do not refer to him by name); including, but not limited to: the origin of such trip (including persons involved in deciding who would go); the findings or results of such trip by Ambassador Wilson; any relationship Wilson had with any employee at the CIA; contacts, attempted contacts, or discussion of contacts (directly or indirectly) with any members of the media concerning Wilson, his trip, or his wife, including but not limited to, the following media and media personnel:
 - (1) Robert Novak
 - (2) Crossfire
 - (3) Capital Gang
 - (4) Chicago Sun-Times
 - (5) Knut Royce
 - (6) Timothy Phelps
 - (7) Newsday
 - (8) Walter Pincus
 - (9) Richard Leiby
 - (10) Mike Allen
 - (11) Dana Priest
 - (12) Glenn Kessler
 - (13) Washington Post
 - (14) Matthew Cooper
 - (15) John Dickerson
 - (16) Massimo Calabresi
 - (17) Michael Duffy

011994

- (18) James Carney
- (19) Time Magazine
- (20) Evan Thomas
- (21) Newsweek
- (22) Andrea Mitchell
- (23) Meet the Press
- (24) Chris Matthews
- (25) Hardball
- (26) MSNBC
- (27) Tim Russert
- (28) Campbell Brown
- (29) NBC
- (30) Nicholas Kristof
- (31) David Sanger
- (32) Judith Miller
- (33) New York Times
- (34) Greg Hitt
- (35) Paul Gigot
- (36) Wall Street Journal
- (37) John Solomon
- (38) Associated Press
- (39) USA Today
- (40) Jeff Gannon
- (41) Talon News

If you have any questions, please contact me at my office at [REDACTED] or through the White House Signal Switchboard at [REDACTED]. Thank you for your assistance.



OFFICE OF THE VICE PRESIDENT

WASHINGTON

January 26, 2004

MEMORANDUM FOR: Employees, Assignees and Detailees of the Office of the Vice President

FROM: David S. Addington, Counsel to the Vice President *CSA*

SUBJECT: ACTION -- Search for and Retrieval of Documents for Grand Jury

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

A grand jury of the United States District Court for the District of Columbia has issued two subpoenas dated January 22, 2004 (copies at Attachment 1) to the Office of the Vice President (OVP) commanding production of certain documents for the investigation into possible disclosure to unauthorized persons of classified information concerning Ambassador Joseph Wilson, his trip to Niger in February 2002, his wife, and matters relating thereto. The OVP will respond fully, cooperatively, and in accordance with the law. The purpose of this memorandum is to obtain your assistance in ensuring that the OVP so responds. Please read the subpoenas and this memorandum carefully and then carry out the instructions in this memorandum. Your compliance with this memorandum is mandatory.

The term "document" in this memorandum is used in a broad sense and includes without limitation "all electronic records, written records, telephone records of any kind (including but not limited to any documents that memorialize telephone calls having been made), correspondence, computer records, e-mail, storage devices, notes (whether handwritten or typed or in any other format), memoranda, and diary and calendar entries," as well as documents covered by the Presidential Records Act, telephone call slips or logs, and specifically includes any documents that may have been archived in the Office of Records Management.

You must complete the following steps by not later than the close of business on Thursday, January 29, 2004:

Step 1. Search for all documents you possess or control that are responsive to the subpoenas. Your search for documents must be reasonable, diligent and conducted in good faith. In the course of the search, retrieve all documents that are responsive to the subpoena and photocopy them. You will have met your obligations if you retrieve, photocopy, and produce to me, as provided in Step 2, all documents that relate in any way to:

(a) any and all documents of telephone calls made to and from Air Force Two on July 12, 2003;

(b) any and all documents of telephone calls made to and from the government vehicles in which members of the staff of the Office of the Vice President traveled from Andrews Air Force Base on July 12, 2003; or

(c) any or all documents created between February 1, 2002 and January 23, 2004, inclusive, concerning any discussion of the following: (i) Ambassador Joseph Wilson or his wife; (ii) Valerie Plame Wilson (or "Valerie Wilson" or "Valerie Plame"); or (iii) a trip undertaken by former Ambassador Joseph Wilson to Niger in 2002 (even if the items/documents themselves do not refer to him by name), including but not limited to: the origin of such trip (including the persons involved in deciding who would go), the findings or results of such trip by Ambassador Wilson, any relationship Wilson had with any employee at the CIA, contacts, attempted contacts, or discussion of contacts (directly or indirectly) with any members of the media concerning Wilson, his trip, or his wife.

011997

In response to Category (c) above, you do NOT need to retrieve and provide to me another copy of documents you have already given to me in response to previous document searches in this investigation. Note, however, that previous searches for documents that would be responsive to Category (c) above did not cover the period October 1, 2003 through January 23, 2004, inclusive, so this will be your first search for Category (c) documents

for the period October 1, 2003 through January 23, 2004. Also, in searching for Category (c) records, the term "members of the media" includes, but is not limited to, the following: (1) Robert Novak, (2) Crossfire, (3) Capital Gang, (4) Chicago Sun-Times, (5) Knut Royce, (6) Timothy Phelps, (7) Newsday, (8) Walter Pincus, (9) Richard Leiby, (10) Mike Allen, (11) Dana Priest, (12) Glenn Kessler, (13) Washington Post, (14) Matthew Cooper, (15) John Dickerson, (16) Massimo Calabresi, (17) Michael Duffy, (18) James Carney, (19) Time Magazine, (20) Evan Thomas, (21) Newsweek, (22) Andrea Mitchell, (23) Meet the Press, (24) Chris Matthews, (25) Hardball, (26) MSNBC, (27) Tim Russert, (28) Campbell Brown, (29) NBC, (30) Nicholas Kristof, (31) David Sanger, (32) Judith Miller, (33) New York Times, (34) Greg Hitt, (35) Paul Gigot, (36) Wall Street Journal, (37) John Solomon, (38) Associated Press, (39) USA Today, (40) Jeff Gannon, and (41) Talon News.

Finally, you do not need to provide to me press clips or articles (such as the daily White House press clips) as long as there are no notations or marks upon them and they are not attachments to, or filed as part of, another document.

When you make photocopies to give to me, please check the legibility of them -- in particular, please make sure your photocopier is set at a sufficient "darker" setting so that blue-ink originals copy legibly.

Step 2. Complete the attached certification (Attachment 2). If you have found responsive documents pursuant to Step 1 above, attach the photocopies of them to the certification, place it in a sealed envelope (or, if necessary, a box) labeled "For VP Counsel," and have the envelope (or box) handcarried to me (David S. Addington, Counsel to the Vice President, Room 268, Eisenhower Executive Office Building, telephone [REDACTED] or via Signal Switchboard). If your responsive documents include material that contains classified national security information, please ensure that you hand-deliver your documents directly to me, drawing to my attention the classified nature of them.

Please call me or stop by my office if you have any questions. Thank you for your cooperation.

011998

ATTACHMENT 1

011999

United States District Court

FOR THE DISTRICT OF COLUMBIA

TO: Office of the Vice President
The White House
1600 Pennsylvania Avenue, N.W.
ATTN: Mr. David Addington
Counsel to the Vice President

SUBPOENA TO TESTIFY BEFORE GRAND JURY

SUBPOENA FOR:

PERSON DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

<p>PLACE</p> <p>United States District Courthouse 3rd and Constitution Avenue, NW Washington, DC 20001</p>	<p>COURTROOM</p> <p>Grand Jury 03-3</p> <hr/> <p>DATE AND TIME</p> <p>January 30, 2004</p>
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YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*

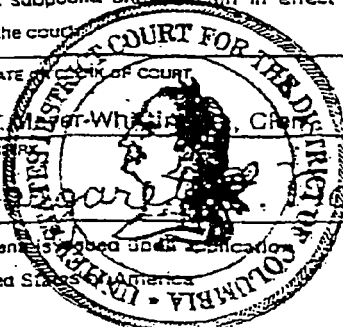
1. Any and all records of telephone calls made to and from Air Force Two on July 12, 2003.
2. Any and all records of telephone calls made to and from the government vehicles in which members of the staff of the Office of the Vice President traveled from Andrews Air Force Base on July 12, 2003.

Please see additional information on reverse.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

<p>U.S. MAGISTRATE IN CHIEF OF COURT</p> <p>Nancy M. Meyer-Whitman, Clerk</p> <p>(BY) DEPUTY CLERK</p> <p><i>Margaret J. Spicer</i></p>	<p>DATE</p> <p>January 22, 2004</p>
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This subpoena is signed under the seal of the United States District Court for the District of Columbia.



NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY
Ronald Roos
Deputy Special Counsel
U.S. Department of Justice
Washington, D.C. 20005

012000

RETURN OF SERVICE (2)

RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE

SERVED ON (PRINT NAME)

SERVED BY (PRINT NAME) TITLE

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER (2)

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date Signature of Server

Address of Server

ADDITIONAL INFORMATION

In lieu of personal appearance before the grand jury, compliance with this subpoena may be made by providing the requested information to FBI Inspector John C. Eckenrode, 935 Pennsylvania Avenue, N.W., Room 7847, Washington, D.C. 20535, telephone number [REDACTED]

(1) As to who may serve a subpoena and the manner of its service see Rule 17(d), Federal Rules of Criminal Procedure, or Rule 45(c), Federal Rules of Civil Procedure.

(2) "Fees and mileage need not be tendered to the witness upon service of a subpoena issued on behalf of the United States or an officer or agency thereof (Rule 45(c), Federal Rules of Civil Procedure; Rule 17(d), Federal Rules of Criminal Procedure) or on behalf of certain indigent parties and criminal defendants who are unable to pay such costs (28 USC 1825, Rule 17(b) Federal Rules of Criminal Procedure)."

012001

United States District Court

FOR THE DISTRICT OF COLUMBIA

TO: Office of the Vice President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20502
ATTN: Mr. David Addington
Counsel to the Vice President

SUBPOENA TO TESTIFY BEFORE GRAND JURY

SUBPOENA FOR:

PERSON DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.


PLACE United States District Courthouse 3 rd and Constitution Avenue, NW Washington, DC 20001	COURTROOM Grand Jury 03-3 DATE AND TIME February 6, 2004
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YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*

SEE ATTACHMENT A.

Please see additional information on reverse.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

U.S. MAGISTRATE CLERK OF COURT Nancy M. Oliver-Whitman, Clerk U.S. DEPUTY CLERK 	DATE January 22, 2004
--	--------------------------

This subpoena is issued upon application of the United States	NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY Ronald Roos Deputy Special Counsel U.S. Department of Justice Washington, D.C. 20005
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012002

FD-253 (Rev. 3/57) Subpoena to Testify Before Grand Jury

RETURN OF SERVICE (1)

RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE

SERVED ON (PRINT NAME)

SERVED BY (PRINT NAME)

TITLE

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER(2)

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date Signature of Server

Address of Server

ADDITIONAL INFORMATION

In lieu of personal appearance before the grand jury, compliance with this subpoena may be made by providing the requested information to FBI Inspector John C. Eckenrode, 935 Pennsylvania Avenue, N.W., Room 7847, Washington, D.C. 20535, telephone number



(1) As to who may serve a subpoena and the manner of its service see Rule 17(d), Federal Rules of Criminal Procedure, or Rule 45(c), Federal Rules of Civil Procedure.

(2) "Fees and mileage need not be tendered to the witness upon service of a subpoena issued on behalf of the United States or an officer or agency thereof (Rule 45(c), Federal Rules of Civil Procedure; Rule 17(d), Federal Rules of Criminal Procedure) or on behalf of certain indigent parties and criminal defendants who are unable to pay such costs (28 USC 1825, Rule 17(d) Federal Rules of Criminal Procedure)."

012003

ATTACHMENT A

All documents, including but not limited to, all electronic records, written records, telephone records of any kind (including but not limited to any documents that memorialize telephone calls having been made), correspondence, computer records, e-mail, storage devices, notes (whether handwritten or typed or in any other format), memoranda, and diary and calendar entries in the possession of the Office of the Vice President, its staff, and employees concerning any discussion of the following:

1. Ambassador Joseph Wilson or his wife;
2. Valerie Plame Wilson (or "Valerie Wilson" or "Valerie Plame");
3. A trip undertaken by former Ambassador Joseph Wilson to Niger in 2002 (even if the items/documents themselves do not refer to him by name); including, but not limited to: the origin of such trip (including the persons involved in deciding who would go); the findings or results of such trip by Ambassador Wilson; any relationship Wilson had with any employee at the CIA; contacts, attempted contacts, or discussion of contacts (directly or indirectly) with any members of the media concerning Wilson, his trip, or his wife, including but not limited to, the following media and media personnel:

Robert Novak, Crossfire, Capital Gang, Chicago Sun-Times, Knut Royce, Timothy Phelps, Newsday, Walter Pincus, Richard Leiby, Mike Allen, Dana Priest, Glenn Kessler, Washington Post, Matthew Cooper, John Dickerson, Massimo Calabresi, Michael Duffy, James Carney, Time Magazine, Evan Thomas, Newsweek, Andrea Mitchell, Meet the Press, Chris Matthews, Hardball, MSNBC, Tim Russert, Campbell Brown, NBC, Nicholas Kristof, David Sanger, Judith Miller, New York Times, Greg Hitt, Paul Gigot, Wall Street Journal, John Solomon, Associated Press, USA Today, Jeff Gannon, Talon News.

012004

ATTACHMENT 2

012005

CERTIFICATION BY EMPLOYEE, ASSIGNEE OR DETAILEE

(in response to Grand Jury Subpoenas Dated January 22, 2004)

NOTE: The attorneys in the Office of Counsel to the Vice President are attorneys for the Vice President in his official capacities and are not private attorneys for anyone. The attorney-client privilege does not extend to communications by government employees to government attorneys when such communications are sought for a Federal criminal investigation.

Check one item as appropriate, sign, and date, and
submit to Counsel to the Vice President **by the close of business on Thursday, January 29, 2004**

_____ I certify that I performed a reasonable, diligent, and good faith search of all the documents in my possession or control for documents responsive to the Grand Jury subpoenas dated January 22, 2004 and have produced photocopies of all such responsive documents to the Counsel to the Vice President, either by (1) attaching them to this certification, or (2) by having provided them to the Counsel to the Vice President in response to previous requests for documents.

_____ I certify that I performed a reasonable, diligent, and good faith search of all the documents in my possession or control for documents responsive to the Grand Jury subpoenas dated January 22, 2004 and found no such documents, other than documents that I have already provided to the Counsel to the Vice President in response to previous requests for documents.

_____ I certify that I performed a reasonable, diligent, and good faith search of all the documents in my possession or control for documents responsive to the Grand Jury subpoenas dated January 22, 2004 and found no such documents.

_____ I certify that I have no documents in my possession or control. [Note to Certifier: This is a rare situation; most personnel possess or control at least some documents.]

Signature of Employee, Assignee or Detailee
Making Certification Above

Date

Printed Name: _____

Telephone No.: _____

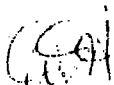
012006



OFFICE OF THE VICE PRESIDENT
WASHINGTON

March 17, 2004

MEMORANDUM FOR: Jennifer Mayfield, Executive Assistant to the Chief of Staff

FROM:  David S. Addington, Counsel to the Vice President

SUBJECT: ACTION -- Respond to Request from Office of Special Counsel


Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

Deputy Special Counsel Ronald Roos telephoned me today with a request with regard to the investigation into possible disclosure to unauthorized persons of classified information concerning Ambassador Joseph Wilson, his trip to Niger in February 2002, his wife, and matters relating thereto. The Office of the Vice President (OVP) will respond fully, cooperatively, and in accordance with the law. The purpose of this memorandum is to obtain your assistance in ensuring that the OVP so responds. Your compliance with this memorandum is mandatory.

Mr. Roos advised that the Office of Special Counsel of the Department of Justice has learned that you maintain within OVP a file labeled something like "Niger/Uranium" that contains press clippings, some of which may bear markings. The Office of Special Counsel requested that OVP produce a copy of the entire contents of the file.

You must complete the following steps by not later than the close of business on Monday, March 22, 2004:

Step 1. Search for the requested file. Your search for the file must be reasonable, diligent and conducted in good faith. Photocopy all the contents of the file and photocopy the file label. When you make photocopies, please check the legibility of them -- in particular, please make sure your photocopier is set at a sufficient "darker" setting so that any blue-ink originals copy legibly. Please note that you should photocopy the entire contents of the file, even if you have already provided to me, in response to prior requests or subpoenas, photocopies of all or part of the same material.

Step 2. Complete the attached certification (Attachment 2). Attach to the certification the photocopies of the file label and contents of the file, place them in a sealed envelope (or, if necessary, a box) labeled "For VP Counsel," and have the envelope (or box) handcarried to me (David S. Addington, Counsel to the Vice President, Room 268, Eisenhower Executive Office Building, telephone  or via Signal Switchboard). If the photocopies include material that contains classified national security information, please ensure that you hand-deliver your documents directly to me, drawing to my attention the classified nature of them.

Please call me or stop by my office if you have any questions. Thank you for your cooperation.

012028

CERTIFICATION BY EMPLOYEE, ASSIGNEE OR DETAILEE

(in response to Deputy Special Counsel Request of March 17, 2004
for contents of file labeled something like "Niger/Uranium" maintained by J. Mayfield)

NOTE: The attorneys in the Office of Counsel to the Vice President are attorneys for the Vice President in his official capacities and are not private attorneys for anyone. The attorney-client privilege does not extend to communications by government employees to government attorneys when such communications are sought for a Federal criminal investigation.

Check one item as appropriate, sign, and date, and
submit to Counsel to the Vice President **by the close of business on Monday, March 22, 2004**

_____ I certify that I performed a reasonable, diligent, and good faith search for the file responsive to the Department of Justice Request of March 17, 2004 and have produced photocopies of the file label and the file contents to the Counsel to the Vice President by attaching them to this certification.

_____ I certify that I performed a reasonable, diligent, and good faith search for the file responsive to the Department of Justice Request of March 17, 2004 and found no such file.

_____ I certify that I have no files in my possession or control. [Note to Certifier: This is a rare situation; most personnel possess or control at least some files.]

Signature of Employee, Assignee or Detailee
Making Certification Above

Date

Printed Name: _____

Telephone No.: _____

012029




Copy 7 of 7 Copies
(Do Not Reproduce or Disseminate)

OFFICE OF THE VICE PRESIDENT
WASHINGTON

FOR OFFICIAL USE ONLY

April 6, 2004

MEMORANDUM FOR: 1. Lewis Libby, Chief of Staff to the Vice President
2. Elizabeth Kleppe, Assistant to the Vice President and Director of Scheduling
3. Neil Patel, Assistant to the Vice President and Staff Secretary
4. Daniel Wilmot, Deputy Assistant to the Vice President and Director of Advance
5. Debra Heiden, Executive Assistant to the Vice President
6. Jennifer Mayfield, Executive Assistant to the Chief of Staff

FROM: David S. Addington, Counsel to the Vice President 

SUBJECT: ACTION -- Search for and Retrieval of Documents for Grand Jury

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

The United States District Court for the District of Columbia has issued a subpoena dated April 6, 2004 (copy at Attachment 1) to the Office of the Vice President (OVP) commanding production of certain documents for the grand jury in the investigation into possible disclosure to unauthorized persons of classified information concerning Ambassador Joseph Wilson, his trip to Niger in February 2002, his wife, and matters relating thereto. The OVP will respond fully, cooperatively, and in accordance with the law. The purpose of this memorandum is to obtain your assistance in ensuring that the OVP so responds.

Please read the subpoena and this memorandum carefully and then carry out the instructions in this memorandum. Your compliance with this memorandum is mandatory.

The subpoena requires production of: "All versions and/or drafts of daily schedules and calendars for Vice President Richard B. Cheney and Chief of Staff Lewis Libby for the period July 6, 2003 through July 14, 2003." Please note that, even if you have produced copies of such a document for me before in this investigation, you must produce a copy again in response to this memorandum. Also, please note that the terms "schedules" and "calendars" include all items commonly referred to by those terms, as well as what OVP refers to as daily, narrative, block, line-by-line, and Advance trip-booklets for trips. In addition, please note that the subpoena calls for "all versions" and all "drafts" and not just final versions of the items. Finally, please note that the subpoena calls for these items for a specific time period of July 6 through 14, 2003 (which includes July 6, July 14, and all days in between in 2003).

You must complete the following steps by not later than the close of business on Friday, April 9, 2004:

Step 1. Search for all documents you possess or control that are responsive to the subpoenas. Your search for documents must be reasonable, diligent and conducted in good faith. In the course of the search, retrieve all documents that are responsive to the subpoena and photocopy them. You will have met your obligations if you retrieve, photocopy, and produce to me, as provided in Step 2, all documents that meet the following description:

"All versions and/or drafts of daily schedules and calendars for Vice President Richard B. Cheney and Chief of Staff Lewis Libby for the period July 6, 2003 through July 14, 2003."

When you make photocopies to give to me, please check the legibility of them -- in particular, please make sure your photocopier is set at a sufficient "darker" setting so that any blue-ink originals copy legibly.

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Step 2. Complete the attached certification (Attachment 2). If you have found responsive documents pursuant to Step 1 above, attach the photocopies of them to the certification, place it in a sealed envelope (or, if necessary, a box) labeled "For VP Counsel," and have the envelope (or box) handcarried to me (David S. Addington, Counsel to the Vice President, Room 268, Eisenhower Executive Office Building, telephone [REDACTED] or via Signal Switchboard). If your responsive documents include material that contains classified national security information, please ensure that you hand-deliver your documents directly to me, drawing to my attention the classified nature of them.

Please call me or stop by my office if you have any questions. Thank you for your cooperation.

012031

ATTACHMENT 1

012032

United States District Court

FOR THE DISTRICT OF COLUMBIA

TO: Office of the Vice President
 The White House
 1600 Pennsylvania Avenue, NW
 Washington, DC 20502
 ATTN: Mr. David Addington
 Counsel to the Vice President

SUBPOENA TO TESTIFY BEFORE GRAND JURY

SUBPOENA FOR:
 PERSON DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA United States Courthouse Third & Constitution, N.W. Washington, D.C. 20530	COURTROOM 3rd Floor GRAND JURY ROOMS <hr/> DATE AND TIME April 14, 2004; 10:00 AM
--	--


YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*

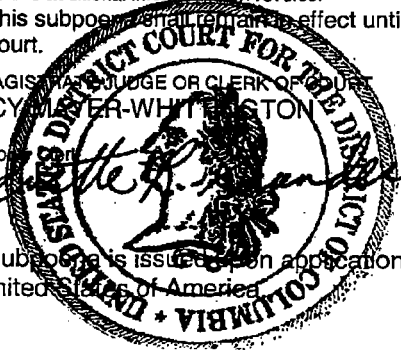
Duces Tecum (Please bring with you/please furnish): All versions and/or drafts of daily schedules and calendars for Vice President Richard B. Cheney and Chief of Staff Lewis Libby for the period July 6, 2003 through July 14, 2003.

COMPLIANCE WITH THIS SUBPOENA CAN BE SATISFIED BY PROVIDING THE REQUESTED INFORMATION TO FBI INSPECTOR JOHN C. ECKENRODE, 935 PENNSYLVANIA AVENUE, NW, ROOM 7847, WASHINGTON, DC 20535, TELEPHONE NUMBER [REDACTED]

Please see additional information on reverse.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT
 NANCY M. WINTER-WHITE STON
 (By) Dep. 



This subpoena is issued upon application of the United States of America

	DATE
	April 6, 2004

NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY
 Patrick J. Fitzgerald
 Special Counsel
 U.S. Department of Justice
 Washington, DC 20005
012033

* If not applicable, enter "none".

ATTACHMENT 2

012034

CERTIFICATION BY EMPLOYEE, ASSIGNEE OR DETAILEE

(in response to Grand Jury Subpoena Dated April 6, 2004)

NOTE: The attorneys in the Office of Counsel to the Vice President are attorneys for the Vice President in his official capacities and are not private attorneys for anyone. The attorney-client privilege does not extend to communications by government employees to government attorneys when such communications are sought for a Federal criminal investigation.

Check one item as appropriate, sign, and date, and
submit to Counsel to the Vice President by the close of business on Friday, April 9, 2004

_____ I certify that I performed a reasonable, diligent, and good faith search of all the documents in my possession or control for documents responsive to the Grand Jury subpoena dated April 6, 2004 and have produced photocopies of all such responsive documents to the Counsel to the Vice President by attaching them to this certification.

_____ I certify that I performed a reasonable, diligent, and good faith search of all the documents in my possession or control for documents responsive to the Grand Jury subpoena dated April 6, 2004 and found no such documents.

_____ I certify that I have no documents in my possession or control. [Note to Certifier: This is a rare situation; most personnel possess or control at least some documents.]

 Signature of Employee, Assignee or Detailee
 Making Certification Above

 Date

Printed Name: _____

Telephone No.: _____

012035



Copy __ of 6 Copies

OFFICE OF THE VICE PRESIDENT
WASHINGTON
FOR OFFICIAL USE ONLY

October 7, 2005

MEMORANDUM FOR: 1. Lewis Libby, Chief of Staff to the Vice President
2. Derrick Morgan, Assistant to the Vice President and Staff Secretary
3. Neil Patel, Assistant to the Vice President for Domestic Policy
4. Robert Karem, Special Assistant to the Chief of Staff
5. Christian Woelk, Executive Assistant to the Chief of Staff
6. Jennifer Mayfield, Deputy Press Secretary to the Vice President

FROM: David S. Addington, Counsel to the Vice President *DS*

SUBJECT: ACTION -- Search for and Retrieval of Documents for Grand Jury

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

The United States District Court for the District of Columbia has issued a subpoena dated October 7, 2005 (copy at Attachment 1) to the Office of the Vice President (OVP) commanding production of certain documents for the grand jury in the investigation into possible disclosure to unauthorized persons of classified information concerning Ambassador Joseph Wilson, his trip to Niger in February 2002, his wife, and matters relating thereto. The OVP will respond fully, cooperatively, and in accordance with the law. The purpose of this memorandum is to obtain your assistance in ensuring that the OVP so responds.

Please read the subpoena and this memorandum carefully and then carry out the instructions in this memorandum. Your compliance with this memorandum is mandatory.

You must complete the following steps by not later than the close of business on Wednesday, October 12, 2005:

Step 1. Search for all documents you possess or control that are responsive to the subpoena. Your search for documents must be reasonable, diligent and conducted in good faith. In the course of the search, retrieve all documents that are responsive to the subpoena and photocopy them. You will have met your obligations if you retrieve, photocopy, and produce to me, as provided in Step 2, all documents that meet the following description:

- | |
|---|
| <ol style="list-style-type: none"> 1. All daily telephone logs and/or calendars for I. Lewis Libby for the time period June 16, 2003 through July 3, 2003. 2. All handwritten notes of I. Lewis Libby for the time period June 16, 2003 through July 3, 2003. |
|---|

When you make photocopies to give to me, please check the legibility of them -- in particular, please make sure your photocopier is set at a sufficient "darker" setting so that any blue-ink originals copy legibly. Also, if a responsive document exists only in electronic form, print out a copy of it and produce it to me. Finally, even

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if you have produced a particular item to me in response to a previous subpoena in this investigation, produce another copy to me in response to this subpoena.

Step 2. Complete the attached certification (Attachment 2). If you have found responsive documents pursuant to Step 1 above, attach the photocopies of them to the certification, place it in a sealed envelope (or, if necessary, a box) labeled "For VP Counsel," and have the envelope (or box) handcarried to me (David S. Addington, Counsel to the Vice President, Room 268, Eisenhower Executive Office Building, telephone [REDACTED] or via Signal Switchboard). If your responsive documents include material that contains classified national security information, please ensure that you hand-deliver your documents directly to me, drawing to my attention the classified nature of them.

Please call me or stop by my office if you have any questions. Thank you for your cooperation.

012037

ATTACHMENT 1

012038

CO 293 (Rev. 8/91) Subpoena to Testify Before Grand Jury

United States District Court FOR THE DISTRICT OF COLUMBIA

TO:

The White House
Office of the Vice President
Attn: David Addington, Counsel to the Vice President
1600 Pennsylvania Avenue, NW
Washington, D.C. 20502

SUBPOENA TO TESTIFY BEFORE GRAND JURY

SUBPOENA FOR:

PERSON

DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

Grand Jury 03-3

PLACE United States District Courthouse Third and Constitution Avenue, NW Washington, DC 20001	COURTROOM 3rd Floor GRAND JURY ROOMS
	DATE AND TIME October 14, 2005 9:00 am

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*

1. All daily telephone logs and/or calendars for I. Lewis Libby for the time period June 16, 2003 through July 3, 2003.
2. All handwritten notes of I. Lewis Libby for the time period June 16, 2003 through July 3, 2003.

In lieu of personal appearance before the grand jury, compliance with the subpoena may be made by providing the requested information to the Office of Special Counsel via Deputy Special Counsel Kathleen M. Kedian, [REDACTED].

Please see additional information on reverse.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

U.S. MAGISTRATE JUDGE OF COURT Nancy M. [REDACTED] BY DEPUTY CLERK <i>[Signature]</i>	DATE October 7, 2005
This subpoena is issued upon application of the United States District Court for the District of Columbia.	NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY Kathleen M. Kedian Deputy Special Counsel U.S. Department of Justice Washington, D.C. 20005 [REDACTED]



012039

ATTACHMENT 2

012040

Attachment 2

CERTIFICATION BY EMPLOYEE, ASSIGNEE OR DETAILEE
(in response to U.S. District Court for the District of Columbia
Grand Jury Subpoena of October 7, 2005)

(Check one item as appropriate, sign, and date,
and submit to Counsel to the Vice President by October 12, 2005)

_____ I certify that I performed a reasonable, diligent, and good faith search of all the documents in my possession, custody or control for documents responsive to the Grand Jury Subpoena of October 7, 2005 and have produced photocopies of all such responsive documents to the Counsel to the Vice President by attaching them to this certification.

_____ I certify that I performed a reasonable, diligent, and good faith search of all the documents in my possession, custody or control for documents responsive to the Grand Jury Subpoena of October 7, 2005 and found no such documents.

_____ I certify that I have no documents in my possession, custody or control. [Note to Certifier: This is a rare situation; most personnel have possession, custody or control of at least some documents.]

Signature of Employee, Assignee or Detailee
Making Certification Above

Date

Printed Name: _____

Telephone No.: _____

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