

Received(Date): 24 JUL 2002 16:53:06

From: Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])

To: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

Subject: : Att'd Draft Perry docs memo for TPO

[P_HFWZ8003_WHO.TXT_1.doc](#)

[P_HFWZ8003_WHO.TXT_2.doc](#)

[P_HFWZ8003_WHO.TXT_3.doc](#)

Begin Original ARMS Header

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Edward McNally (CN=Edward McNally/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-JUL-2002 16:53:06.00

SUBJECT:: Att'd Draft Perry docs memo for TPO

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

End Original ARMS Header

BK -- Just FYI -- here's the current status -- trying to get this put to bed today -- McNally

----- Forwarded by Edward McNally/WHO/EOP on 07/24/2002
04:53 PM -----

From: Edward McNally on 07/24/2002 04:49:16 PM

Record Type: Record

To: Philip J. Perry/OMB/EOP@EOP, John F. Wood/OMB/EOP@EOP

cc: Timothy E. Flanigan/WHO/EOP@EOP, Elizabeth N. Camp/WHO/EOP@EOP

Subject: Att'd Draft Perry docs memo for TPO

Phil (and John) --

The third doc below was sent by Robert to you on Monday -- it's a copy of the draft you sent me last week re: your draft instructions to TPO staff.

Robert added in the name and location of the two WHO staffers at 18th & G. Other than that, your draft was not changed.

If you can send me back a draft that's ok for the Judge to include in his package to Andy Card tonight, that would be great.

If that's not possible, please let me or Tim know as soon as possible today.

Thanks Phil -- let me know how we can help. --- Ed

----- Forwarded by Edward McNally/WHO/EOP on 07/24/2002
04:36 PM -----

Robert J. Delahunty

07/22/2002 01:33:13 PM

Record Type: Record

To: Elizabeth N. Camp/WHO/EOP@EOP, Allison L.

Riepenhoff/WHO/EOP@EOP

cc: Edward McNally/WHO/EOP@EOP, Philip J. Perry/OMB/EOP@EOP

Subject: TPO Documents

Libby, Allison: I'm forwarding very slightly edited versions of three documents that Ed circulated on Friday. These are (1) the cover memo from

Judge Gonzales to all WHO staff re. the MOU on transition documents, (2) a cover memo from Ed to OHS staff re. following the Executive Order creating the TPO, (3) Phil Perry's memo to TPO staff re. document procedures. Today's only edits consist (except for changing one or two typos) in adding the names and address of the two "gatekeepers" through whom WH materials will be routed to TPO, i.e., Distie Carstensen and Brook Holladay.

I spoke with Phil Perry earlier today. As I understand it, TPO staffing hasn't started just yet. Also, the MOU which underpins all these arrangements, and which Ed also circulated on Friday, hasn't been finalized and signed yet. Phil seemed to think that the best plan was to get all four documents out (i.e., the three attachments plus the MOU) on Wednesday, when there may be some staff at TPO.

Ed and I have reviewed the three attachments and as far as we're concerned, they're good to go. (That's also true of the MOU.)

So you all know, I've also briefed Distie and Brook this morning on how they're to implement the procedures.

Any questions/comments, call me through Magda (456 1195) or on my cell

P6/b(6) Thanks, Robert

----- Forwarded by Robert J. Delahunty/WHO/EOP on
07/22/2002 01:19 PM -----

Magda E. Angulo
07/22/2002 01:13:30 PM
Record Type: Record

To: robert.j.delahunty@usdoj.gov, Robert J. Delahunty/WHO/EOP@EOP
cc:
Subject: TPO Documents

Robert, As discussed.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HFWZ8003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HFWZ8003_WHO.TXT_2>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_HFWZ8003_WHO.TXT_3>

MEMORANDUM TO OHS STAFF

FROM: EDWARD McNALLY

SUBJECT: TRANSITION PLANNING OFFICE DOCUMENTS

As has been discussed at recent staff meetings, some OHS staff may become involved in preparing materials related to the transition for the new Department of Homeland Security (DHS). Most of these materials will be OHS materials. But some, such as drafts of Governor Ridge's testimony before Congress, may be created for the Governor in his capacity as Director of the Transition Planning Office (TPO) at OMB (established by Executive Order 13267, attached), and not in his capacity at OHS. Furthermore, as the TPO begins to be staffed, you may be receiving written materials created by TPO. E.O. 13267 directs that the "records" of OHS "shall be kept separate" from the records of TPO. In order to ensure compliance with this directive, please observe the following procedures:

- **Hard Copies** – For purposes of E.O. compliance, you should keep separate files for records which are:

- (a) prepared specifically for the use of TPO (including documents prepared for the Governor in his capacity as Director of TPO), and which
- (b) have in fact been transmitted to TPO.

For example, copies of testimony and briefing materials used by Governor Ridge in testifying before Congress (as you know he's appearing in his capacity as TPO Director) should be kept separate. Please maintain any such materials in file folders labeled "TPO", and store them separately, *e.g.*, in a separate drawer in a file cabinet. All White House materials that are made available to TPO staff (other than e-mail or e-mail attachments) must first be routed to TPO via Distie Carstensen or Brook Holladay at 1800 G Street, 9th floor.

- **E-mail** – OMB is making arrangements with its IT personnel to handle e-mail appropriately.

If you have any questions please contact Robert Delahunty, Kate Anderson or myself.

This memorandum is for internal purposes only and is not intended to, and does not, create any right, benefit, trust, or responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies or entities, its officers or employees, or any person.

Attachment

MEMORANDUM FOR ALL WHO, OVP, NSC, CEA AND OPD EMPLOYEES

FROM: ALBERTO R. GONZALES

SUBJECT: MANAGEMENT, TRANSMISSION AND STORAGE OF WHITE
HOUSE MATERIALS MADE AVAILABLE TO TRANSITION
PLANNING OFFICE (TPO) STAFF FOR THE NEW DHS

White House materials may be made available from time to time to the staff of the Transition Planning Office (TPO) that was formed in expectation of the creation of the Department of Homeland Security (DHS). Because of the sensitivity and confidentiality of such materials, the White House Office (or, as appropriate, other White House entities¹) will maintain control over such materials even after they have been made available to TPO staff. The attached Memorandum of Understanding sets forth procedures intended to ensure that the relevant White House entities maintain control over any such House materials. This cover memorandum is intended to provide you with a guide to follow when you make White House materials available to TPO staff.

“White House materials” means any written, typed, recorded or graphic matter of any nature whatsoever, regardless of how recorded and whether an original or copy, including information therein, that is originated or received by a White House entity.

The general rules on White House materials made available to TPO staff are as follows:

- You must not make White House materials available to TPO staff other than for TPO’s internal purposes.
- All White House materials that are made available to TPO staff (other than e-mail or e-mail attachments) must first be routed to TPO via Distie Carstensen or Brook Holladay at 1800 G Street, 9th floor. That office will ensure that those materials are stamped: “White House-controlled material/Protected from Disclosure.”
- OMB is making arrangements with IT personnel so that the same text “White House-controlled material/Protected from Disclosure” will be placed automatically on e-mail sent from White House entity e-mail addresses to TPO e-mail addresses.

¹ “White House entities” means the White House Office, the Office of Policy Development, the National Security Council, all other entities in the Executive Office of the President to whom section 552 of Title 5 of the U.S. Code does not apply, and (with respect to executive materials) the Office of the Vice President.

DRAFT – DELIBERATIVE MATERIAL

MEMORANDUM

TO: Transition Planning Office Staff

FROM: Philip J. Perry
General Counsel

RE: Special Procedures for Documents Made Available to TPO by White House Entities

This memorandum sets forth special procedures for handling of documents made available to the Transition Planning Office (TPO) by White House entities.

From time to time, documents from certain White House entities, including the Office of Policy Development, the National Security Council, the Office of the Vice President or the Office of Homeland Security may be made available for review by TPO personnel. When White House entities make such materials available to TPO, they will do so on a temporary basis only, for limited purposes, and on condition of confidentiality.

The procedures described below will govern TPO staff's handling of such documents. Except as noted below, the policies apply regardless of whether the documents are typed, handwritten or in electronic form. Although many of these documents will be marked "White House-controlled Material/Protected from Disclosure," the White House's failure to apply such a marking does not excuse TPO from complying with the following procedures:

- Do not email, fax, or otherwise disclose such documents outside TPO or the White House. These materials are provided only for purposes of internal TPO review.
- Do not make unnecessary copies of such materials.
- Documents made available by White House entities should be kept in separate files that clearly identify the contents as White House Materials. Such materials should not be commingled with other files. (We will make arrangements with our IT personnel to handle email appropriately.)
- Return all documents made available by White House entities, including all copies thereof, to Distie Carstensen or Brook Holladay at 1800 G Street, 9th floor on the date(s) requested for return, and in no circumstances later than the date of termination of the TPO. (We will make proper arrangements for email.)
- Finally, take care regarding the use of email as a means of communicating with White House entities. While email is often the most convenient means of communicating, email can easily be forwarded to persons outside TPO or the White House.

If you have any questions regarding the implementation of these procedures, please contact Kimberley S. Luczynski at 395-7870.

This memorandum is intended only to improve the internal management of the TPO and is not intended to, and does not, create any right, benefit, trust, or responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies or entities, its officers or employees, or any person.