

Tab H

Litigation History

LITIGATION HISTORY**I. Introduction**

This investigation has centered around the behavior and actions of the President of the United States. As a consequence, it has been necessary to seek information from the White House, a variety of government officials, and the President himself. The President and the Department of Justice have vigorously sought to prevent this Office from obtaining this information, usually through litigation.

This memorandum is a brief chronology of the history of this Office's litigation against the President and government officials in the pursuit of evidence in the Lewinsky matter. This information should allow Congress to understand some of the gaps in the evidence we are providing. For example, we have not been able to report to Congress what the President told White House lawyers about his relationship with Monica Lewinsky. This memorandum explains the reason for this omission.

More importantly, Congress may wish to conduct its own investigation of the events related in this referral. In such an event, Congress may well face the same sort of litigation obstacles that this Office has. We hope that this memorandum will assist Congress in any efforts it finds necessary to obtain information relevant to its inquiry.

We have not included any description of litigation that did not involve our Office seeking investigative materials. Similarly, we have not included any litigation against persons or

institutions other than President Clinton and his agents, the White House, or the Department of Justice. Specifically, we have not included our lengthy litigation with Monica S. Lewinsky and her agents.

The following is a brief description of the relevant events in this Office's litigation. Because we have provided Congress with the actual filings, we have not attempted to describe the filings in greater detail than necessary to understand the chronology of events. We encourage interested persons to consult the particular filings when an issue is significant.

II. Executive Privilege

Date	Event
Feb. 18, 1998	<ul style="list-style-type: none"> ● Bruce Lindsey refuses to answer many questions before the grand jury because the answers are "potentially covered" by the following privileges: <ul style="list-style-type: none"> • Executive Privilege (presidential communications and deliberative process); • Governmental Attorney-Client Privilege and Work-Product Doctrine; • Personal Attorney-Client Privilege and Work Product Doctrine. Mr. Lindsey refuses either to invoke any such privilege or to contact President Clinton to determine whether to do so. ● Chief Judge Johnson instructs Lindsey to decide whether he will invoke privileges or not. (The next day, she mentions that "[i]f he had come in here today still not claiming any privileges and simply telling me he wasn't going to answer the questions, he would be in D.C. Jail by now." Tr. 53)

Feb. 19, 1998	<ul style="list-style-type: none"> • Neil Eggleston, a private lawyer hired by White House Counsel Charles Ruff, pursuant to Attorney General Janet Reno's authorization, to represent the White House with respect to executive privilege and governmental attorney-client privilege, informs Chief Judge Johnson that the President "has informed and directed Mr. Lindsey" to invoke privileges in response to various questions (Tr. 32). The OIC orally moves to compel him to testify. Chief Judge Johnson determines that she cannot decide the issue without a more developed record and orders that questioning continue. • Before the grand jury, Mr. Lindsey invokes all the privileges listed above. Among other things, he invokes executive privilege over a lunch conversation with Vernon Jordan.
Feb. 24, 1998	<ul style="list-style-type: none"> • The OIC issues a subpoena for Sidney Blumenthal to testify, seeking to discover what substantive information he has about the Lewinsky matter and to determine whether anyone in the White House is obstructing justice by spreading disinformation about the OIC. Mr. Blumenthal moves to quash, citing: <ul style="list-style-type: none"> • Executive Privilege; • the First Amendment; and • Overbreadth. <p>Chief Judge Johnson holds a hearing and denies motion.</p> <ul style="list-style-type: none"> • Before the grand jury, Mr. Blumenthal invokes executive privilege and refuses to answer several questions, including questions about his conversations with the First Lady.
Feb. 25, 1998	<p>Nancy Hernreich, the administrator of the President's secretarial staff, testifies before the grand jury and invokes executive privilege and attorney client-privilege in refusing to answer several questions.</p>
Mar. 4, 1998	<p>Mr. Eggleston sends a proposal to the OIC suggesting an agreement whereby White House attorneys would be absolutely protected while White House non-attorneys would provide "factual information" but not "strategic deliberations and communications." Chief Judge Johnson later holds that the proposal was so vague that it was not worth considering: "Not only was the White House offer ambiguous, but there is also some question as to whether it was a firm offer. Given the ambiguity of the offer, the Court declines to factor it into its decision." Mem. Op. at 13 n.6 (May 4, 1998).</p>

Mar. 6, 1998	The OIC moves to compel Bruce Lindsey (98-095), Sidney Blumenthal (98-096), and Nancy Hernreich (98-097) to testify over their assertions of executive privilege, governmental attorney-client privilege, and personal attorney-client privilege. The OIC argues that because the questions were about the President's personal conduct, executive privilege does not apply at all.
Mar. 10, 1998	The OIC files three motions (one for each case number) to expedite the executive privilege litigation. The OIC suggests a hearing for the week of March 23.
Mar. 12, 1998	The White House, responding to the motions to expedite, states that no hearing would be possible between March 22 and April 5 because the President, Mr. Lindsey, and Cheryl Mills would be traveling to Africa. The White House states that March 19 or 20 would be acceptable.
Mar. 13, 1998	The OIC files reply memoranda in support of its motions to expedite the executive privilege litigation. The OIC asserts that the week of March 23 still would be best, but that March 20 is better than a two-week delay.
Mar. 16, 1998	Chief Judge Johnson sets the executive privilege hearing for March 20.
Mar. 17, 1998	The White House files an opposition to the OIC's motions to compel testimony. President Clinton, in his personal capacity, intervenes to argue that intermediary privilege and various other personal attorney-client privilege theories prevent any testimony by Mr. Lindsey other than "cocktail talk" (as David Kendall, private attorney for President Clinton, said in oral argument before the D.C. Circuit). The White House drops the assertions of privilege by Ms. Hernreich.
Mar. 18, 1998	The OIC files three motions (one for each case number) to unseal the executive privilege litigation.
Mar. 19, 1998	The OIC files reply memoranda in support of its motions to compel. The White House moves to authorize release of papers to the Department of Justice ("DOJ"), and also responds to the earlier unsealing motion filed by the OIC. The White House requests that the March 20 hearing be held in secret but that the transcript later be released to the press.

Mar. 20, 1998	Oral argument before Chief Judge Johnson in the executive privilege litigation.
Mar. 24, 1998	Oral argument before Chief Judge Johnson on President Clinton's personal attorney-client privilege. The OIC discovers that President Clinton has denied knowledge of specific privilege assertions to the press. The OIC sends a letter to Mr. Eggleston seeking an explanation; Mr. Eggleston replies that President Clinton had authorized the invocation of privilege generally and had delegated to White House Counsel Charles Ruff the task of determining exactly what should be privileged.
Mar. 25, 1998	Chief Judge Johnson orders OIC to provide (by April 1) a need submission sufficient to overcome the White House's assertion of executive privilege.
Mar. 27, 1998	<ul style="list-style-type: none"> • The DOJ moves for access to pleadings, asks for 10 days to file amicus brief, and requests access to grand jury transcripts. The DOJ mistakenly represents that the OIC supports its motion. (Two days later, the DOJ withdraws this claim). This request comes one day after Mr. Lindsey moves for access to his grand jury transcript. • President Clinton files a supplemental memorandum in support of his personal attorney-client privilege invocation.
Mar. 31, 1998	<ul style="list-style-type: none"> • The OIC opposes the DOJ's motion for grand jury transcripts. • Chief Judge Johnson grants the DOJ access to sealed pleadings, but denies the DOJ's motion for grand jury transcripts. Chief Judge Johnson orders that any amicus brief be filed by April 8 (later extended to April 12 because of a delay in serving the court's order). • The White House files a supplemental memorandum regarding the Lindsey privilege assertions.
Apr. 1, 1998	The OIC files an <u>in camera</u> need submission, showing its need for materials covered by executive privilege.
Apr. 7, 1998	The White House files a document styled "Reply to the OIC's <u>In Camera</u> Submission." The White House argues, <u>inter alia</u> , that the OIC could not have shown need because it had not brought Mr. Blumenthal back before grand jury after the White House stated that he would testify as to "factual matters."

Apr. 12, 1998	The DOJ files an amicus brief criticizing the OIC's public-private distinction and arguing (contrary to the White House's position) that non-strategic factual information is covered by executive privilege. The DOJ also asserts that a balancing test is required to assess claims of governmental attorney-client privilege.
Apr. 15, 1998	Chief Judge Johnson orders the OIC to make a need submission for information covered by governmental attorney-client privilege by April 24.
Apr. 24, 1998	The OIC submits an <u>in camera</u> need submission detailing its need for information covered by governmental attorney-client privilege.
Apr. 30, 1998	The White House files a document styled as a reply to the OIC's <u>in camera</u> need submission. <u>Inter alia</u> , the White House argues that the OIC could not have shown need unless it had questioned "all other available witnesses."
May 4, 1998	Chief Judge Johnson issues an order compelling Messrs. Lindsey and Blumenthal to answer all questions.
May 11, 1998	The White House moves to reconsider the district court's opinion of May 4, 1998. <u>Inter alia</u> , the White House argues that Chief Judge Johnson erred in determining need by reference to categories of questions and in finding no common interest between the Office of the President and President Clinton in his personal capacity. The White House also argues for additional briefing of specific questions and <u>in camera</u> review of all answers.
May 13, 1998	The White House files notices of appeal from the executive privilege decision, despite the pending reconsideration motion. President Clinton in his personal capacity also appeals. The White House requests a slightly expedited 29/22/7 briefing schedule.
May 14, 1998	The OIC moves to dismiss the appeals of the White House and President Clinton from the executive privilege decision, arguing that the D.C. Circuit has no jurisdiction because the motion for reconsideration is still pending.
May 18, 1998	The White House responds to the OIC's motion to dismiss its appeal, largely agreeing with the motion and labeling its notice of appeal a "protective notice of appeal."

May 19, 1998	<ul style="list-style-type: none"> • The OIC files an opposition to the motion to reconsider the executive privilege decision. • The OIC files a reply in support of its motion to dismiss the appeals of the White House and President Clinton for want of jurisdiction.
May 21, 1998	The D.C. Circuit holds the executive privilege appeals in abeyance pending Chief Judge Johnson's decision on the motion for reconsideration.
May 22, 1998	The White House files a reply memorandum in support of its reconsideration motion.
May 26, 1998	Chief Judge Johnson substantially denies the White House's reconsideration motion. (She modifies one footnote that contains only dicta).
May 28, 1998	The OIC files in Supreme Court a petition for a writ of certiorari before judgment in the executive privilege case.
June 1, 1998	The White House files an opposition to the OIC's petition for a writ of certiorari before judgment. The White House drops its executive privilege appeal, asserting that it had decided not to appeal the executive privilege issue before the petition for a writ of certiorari before judgment was filed. President Clinton in his personal capacity also files a brief in opposition.
June 2, 1998	The OIC files a reply brief in support of its petition for a writ of certiorari before judgment in the (now) governmental attorney-client privilege appeal.
June 4, 1998	The Supreme Court denies the OIC's petition for a writ of certiorari before judgment in the governmental attorney-client privilege case.
June 5, 1998	The D.C. Circuit sets an expedited 10/7/3 briefing schedule in the governmental attorney-client privilege appeal.
June 15, 1998	The White House files a brief appealing the governmental attorney-client privilege ruling. President Clinton also files a brief on personal attorney-client privilege issues.

June 17, 1998	The DOJ files an amicus brief in the governmental attorney-client appeal, arguing that governmental attorney-client privilege should be more protected than executive privilege and that the need standard should be higher, and urging the D.C. Circuit to remand the issue whether there is an absolute governmental attorney-client privilege in the impeachment context.
June 22, 1998	The OIC files its appellee brief in the governmental attorney-client privilege appeal.
June 25, 1998	The White House and President Clinton file reply briefs in the governmental attorney-client privilege appeal.
June 26, 1998	The OIC files a supplemental filing in the governmental attorney-client privilege appeal.
June 29, 1998	Oral argument before the D.C. Circuit in the governmental attorney-client privilege appeal.
July 27, 1998	The D.C. Circuit rules that the governmental attorney-client privilege cannot be maintained in face of a federal grand jury subpoena.
July 31, 1998	The OIC issues a grand jury subpoena to Lanny Breuer, requiring his testimony on August 4.
Aug. 3, 1998	<ul style="list-style-type: none"> • The White House moves to stay any testimony by Bruce Lindsey pending disposition of a (as yet unfiled) petition for a writ of certiorari, and asks for a protective order preventing testimony of Mr. Breuer. The same day, the OIC files its opposition, and the D.C. Circuit denies the motion as unripe. • The White House asks the Supreme Court to stay any testimony by Messrs. Lindsey or Breuer pending the disposition of a (as yet unfiled) petition for a writ of certiorari. The OIC files an opposition to this motion. • Mr. Breuer moves to stay his testimony pending disposition of the White House's (as yet unfiled) petition for a writ of certiorari.

Aug. 4, 1998	<ul style="list-style-type: none"> • The Chief Justice denies the White House's motion to stay the testimony of Messrs. Lindsey and Breuer pending disposition of the White House's (as yet unfiled) petition for a writ of certiorari. • The OIC files an opposition to Mr. Breuer's motion to stay his grand jury testimony. Chief Judge Johnson allows questioning to go forward. While testifying before grand jury, Mr. Breuer invokes executive privilege and governmental attorney-client privilege. The OIC orally moves to compel Mr. Breuer's testimony.
Aug. 5, 1998	Chief Judge Johnson orders the parties to brief the executive privilege and governmental attorney-client privilege issues in an expedited fashion.
Aug. 6, 1998	The White House submits memoranda in support of Mr. Breuer's governmental attorney-client privilege claim and in support of a stay pending disposition of a (as yet unfiled) petition for a writ of certiorari. The White House also files a pleading arguing that <u>In re Lindsey sub silentio</u> overruled <u>In re Sealed Case</u> , raising the need standard required to overcome a claim of executive privilege. The OIC files an <u>in camera</u> need submission and a memorandum opposing a stay.
Aug. 7, 1998	Chief Judge Johnson compels Mr. Breuer to testify over his claims of governmental attorney-client privilege, but grants a stay pending appeal.
Aug. 11, 1998	Chief Judge Johnson compels Mr. Breuer to testify over his claims of executive privilege
Aug. 17, 1998	<p>The White House and Mr. Breuer appeal from the district court's order compelling Mr. Breuer to testify over his claims of governmental attorney-client privilege. Mr. Breuer's appeal is dismissed by the D.C. Circuit, on the OIC's motion, three days later.</p> <p>(In grand jury testimony, President Clinton testifies that he strongly supported dropping executive privilege in May, that he never was afraid of the information the White House attorneys have, and that his only concern was to win judicial reaffirmation of existence of executive privilege.)</p>

Aug. 21, 1998	<ul style="list-style-type: none"> • The White House and Mr. Breuer appeal from the order compelling Mr. Breuer to testify over his claims of executive privilege. Mr. Breuer's appeal is dismissed by the D.C. Circuit, on the OIC's motion, 10 days later. • The White House files a petition for a writ of certiorari in the governmental attorney-client privilege case.
Aug. 25, 1998	The White House moves to hold its Breuer appeal in abeyance pending disposition of petition for a writ of certiorari. The OIC supports that motion two days later, and the D.C. Circuit grants it four days after that.

Case Numbers

98-095	District Court	Bruce Lindsey testimony
98-096	District Court	Sidney Blumenthal testimony
98-097	District Court	Nancy Hernreich testimony
98-278	District Court	Lanny Breuer testimony
98-3060	D.C. Circuit	White House appeal re: Lindsey
98-3061	D.C. Circuit	White House appeal re: Blumenthal
98-3062	D.C. Circuit	Pres. Clinton appeal re: Lindsey
98-3072	D.C. Circuit	White House appeal re: Lindsey
98-3092	D.C. Circuit	Breuer appeal re: Breuer
98-3093	D.C. Circuit	White House appeal re: Breuer
98-3098	D.C. Circuit	Breuer appeal re: Breuer
98-3099	D.C. Circuit	White House appeal re: Breuer
97-1924	Supreme Court	OIC Petition for a Writ of Certiorari before Judgment
98-316	Supreme Court	White House Petition for a Writ of Certiorari

III. Secret Service "Protective Function Privilege"

Date	Event
late Jan.- early Feb.	Secret Service Director Lewis Merletti speaks informally to the OIC about why the OIC should not question Secret Service personnel.
Feb. 17, 1998	Former Secret Service officer Lewis Fox testifies before the grand jury.
Feb. 24, 1998	Deputy Assistant Attorney General Gary Grindler sends a letter to Independent Counsel Starr outlining the proposed "protective function" privilege.

Mar. 13, 1998	<ul style="list-style-type: none"> • Mr. Grindler sends another letter to the OIC outlining the proposed privilege. • The OIC deposes Secret Service officers Gary Byrne and Brian Henderson, who assert "protective function" privilege.
Mar. 23, 1998	The OIC deposes Secret Service General Counsel John Kelleher, who asserts the "protection function" privilege and the governmental attorney-client privilege.
Mar. 29, 1998	Attorney General Reno and Independent Counsel Starr meet to discuss the proposed "protective function" privilege.
Apr. 8, 1998	Deputy Independent Counsel Robert Bittman sends a letter to Mr. Grindler asking whether the President is invoking the "protective function" privilege. The next day, Mr. Grindler states that President Clinton has not directed assertion of a "protective function" privilege.
Apr. 10, 1998	The OIC moves to compel the testimony of Secret Service personnel over claims of "protective function" privilege and governmental attorney-client privilege.
Apr. 20, 1998	The DOJ and the OIC agree that the DOJ will proffer non-privileged information to the OIC and then allow interviews.
Apr. 21, 1998	The DOJ files an opposition to the OIC's motion to compel the testimony of Secret Service personnel.
Apr. 28, 1998	The OIC files a reply memorandum in support of compelling the testimony of Secret Service personnel.
May 11, 1998	White House Counsel Charles Ruff sends a letter to the OIC stating that President Clinton does not believe it is appropriate for him to instruct the Secret Service to testify.
May 14, 1998	Hearing before Chief Judge Johnson on the "protective function" privilege.

May 22, 1998	Chief Judge Johnson rules there is no "protective function" privilege for Secret Service personnel, and orders the OIC to provide a need showing to overcome governmental attorney-client privilege as to John Kelleher. Five days later, the OIC withdraws its request that the Secret Service lawyer testify.
May 25, 1998	Four former Attorney Generals send a letter to Attorney General Reno urging her not to appeal the Secret Service decision.
May 27, 1998	Independent Counsel Starr meets with Solicitor General Seth Waxman, urging the DOJ not to appeal the Secret Service decision.
May 29, 1998	Independent Counsel Starr meets with Attorney General Reno, urging the DOJ not to appeal the Secret Service decision. Later, DOJ attorney Jonathan Schwartz suggests a compromise, and the OIC expresses interest.
May 31, 1998	In a meeting between the OIC and DOJ attorneys, the DOJ proposes a settlement that the OIC believes is far less favorable to the OIC than that suggested by Mr. Schwartz two days earlier. The OIC rejects the proposal.
June 1, 1998	The DOJ files a notice of appeal in the Secret Service case and proposes an expedited 14/14/7 briefing schedule.
June 2, 1998	The OIC files a petition for a writ of certiorari before judgment in the Secret Service appeal.
June 3, 1998	The DOJ files a brief in response to the OIC's petition for a writ of certiorari before judgment in Secret Service appeal, criticizing the petition but not urging its denial.
June 4, 1998	The Supreme Court denies the OIC's petition for a writ of certiorari before judgment in the Secret Service appeal.
June 5, 1998	The D.C. Circuit sets an expedited 7/7/3 briefing schedule in the Secret Service appeal.
June 9, 1998	Mr. Grindler asserts in a letter to Mr. Bittman that the "protective function" privilege applies to former Secret Service personnel.

June 11, 1998	Mr. Bittman sends a letter to Neil Eggleston asking him whether the White House would assert executive privilege over a particular conversation overheard by a Secret Service officer.
June 12, 1998	The DOJ files a brief appealing the Secret Service decision. Former Secret Service agents file an amicus brief in support of the DOJ's position.
June 15, 1998	In a letter to Mr. Bittman, Mr. Eggleston informs the OIC that the White House is not asserting executive privilege over the conversation overheard by a Secret Service officer.
June 19, 1998	The OIC files its appellee brief in the Secret Service appeal. Four former Attorney Generals file an amicus brief in support of the OIC's position.
June 22, 1998	The DOJ files a reply brief in the Secret Service appeal.
July 7, 1998	The D.C. Circuit holds that there is no "protective function" privilege.
July 13, 1998	The OIC subpoenas six Secret Service officers, one agent, and one former agent.
July 14, 1998	<ul style="list-style-type: none"> • The DOJ petitions for rehearing and suggests rehearing en banc in the Secret Service appeal. • The DOJ moves for stay pending appeal (and protective order) of the Secret Service decision.
July 15, 1998	<ul style="list-style-type: none"> • The OIC files an opposition to the DOJ's motion for a stay pending appeal of the Secret Service decision. Chief Judge Johnson holds an oral hearing on the motion. • The DOJ moves for a stay pending appeal of the Secret Service decision (and a protective order) in the D.C. Circuit. The OIC files an opposition to that motion. • The DOJ moves in the Supreme Court for a stay and a protective order preventing Secret Service testimony. The OIC files an opposition.

July 16, 1998	<ul style="list-style-type: none"> • Chief Judge Johnson declines to grant a stay pending appeal of the Secret Service decision. • After approximately one minute of testimony by a Secret Service officer, the D.C. Circuit grants an administrative stay of Secret Service testimony, to consider the stay motion. • Later that day, the D.C. Circuit denies the petition for rehearing and suggestion for rehearing en banc and vacates the stay. The D.C. Circuit issues a temporary stay until Noon the next day, to allow Supreme Court to decide whether to grant a stay. • The DOJ files a petition for a writ of certiorari in the Secret Service case.
July 17, 1998	<ul style="list-style-type: none"> • The OIC files a brief in opposition to the DOJ's petition for a writ of certiorari in the Secret Service case. • The DOJ files a reply brief in support of its stay motion. The Chief Justice denies the stay. • Secret Service officers testify.

Case Numbers

98-148	District Court	Secret Service Testimony
98-3069	D.C. Circuit	Secret Service Testimony
98-3085	D.C. Circuit	Protective Order
97-1942	Supreme Court	OIC Petition for a Writ of Certiorari before Judgment
98-93	Supreme Court	DOJ Petition for a Writ of Certiorari

IV. White House Documents

Date	Event
May 27, 1998	The OIC files a motion to compel the White House to comply with grand jury subpoenas for President Clinton's meeting records and phone logs. The White House had been redacting such documents on relevancy grounds and refusing to provide phone logs unless the OIC gave them a list of all persons in which the grand jury was interested.
June 12, 1998	The White House files an opposition to the OIC's motion to compel production of meeting records and phone logs, and tries to "reserve[] the right to assert executive privilege over the material."

June 19, 1998	The OIC files a reply memorandum in support of its motion to compel the White House to produce meeting records and phone logs.
June 26, 1998	Chief Judge Johnson orders the White House to produce meeting records and phone logs to the grand jury.

Case Number

98-202 District Court

White House documents

V. Presidential Testimony

Date	Event
July 17, 1998	The OIC issues a grand jury subpoena for President Clinton's testimony on July 28.
July 22, 1998	David Kendall, President Clinton's private attorney, calls Deputy Independent Counsel Robert Bittman and asks to have until August 4 to respond to the grand jury subpoena to President Clinton.
July 23, 1998	Mr. Bittman offers Mr. Kendall an extension until July 31, conditioned on Mr. Kendall agreeing not to seek additional time.
July 24, 1998	Mr. Kendall sends a letter to Mr. Bittman stating that the President is willing to "provide testimony" to grand jury. He insists that the grand jury subpoena be withdrawn, asserting that he would explain why on July 28. Mr. Bittman responds by letter, refusing to withdraw the subpoena until, at very least, President Clinton agrees upon a firm date.
July 27, 1998	Mr. Kendall sends another letter to Mr. Bittman, stating that President would testify but only if (i) the grand jury subpoena were withdrawn; (ii) the testimony were given in the White House, with a time limit and with a description of the general subject areas of questioning; (iii) there were protection against leaks; and (iv) the testimony were no earlier than September 13. Mr. Kendall states that President Clinton cannot testify during his vacation because he would be preparing for a foreign trip. Mr. Bittman responds that any date later than August 7 would be unacceptable.

July 28, 1998	President Clinton moves to postpone any response to the grand jury subpoena until August 11. He wants until this date even to decide whether he will testify or oppose the subpoena. That afternoon, Chief Judge Johnson holds a hearing.
July 30, 1998	Having agreed to testify on August 17, President withdraws his motion for continuance. (Chief Judge Johnson had been prepared to rule earlier, but withheld her ruling to encourage a settlement.)
Aug. 17, 1998	President Clinton testifies to grand jury.

Case Number

98-267 District Court Presidential subpoena

VI. Terry Lenzner Subpoena

Date	Event
Feb. 24, 1998	Williams & Connolly and Skadden Arps file a motion to quash the grand jury subpoena issued to Terry F. Lenzner and Investigative Group International, Inc. (After hearing reports that Mr. Lenzner and IGI were researching the private lives of career prosecutors, the OIC had issued this subpoena to try to determine whether this was true and, if so, whether this was part of scheme to obstruct the OIC's investigation.) After the President's law firms claim attorney-client privilege and work product protection, Mr. Lenzner appears, provides a privilege log of documents, and refuses to reveal the general subject matter of his retention.
Mar. 9, 1998	The OIC files an opposition to the motion to quash the grand jury subpoena, arguing that the attorney-client privilege does not protect the general subject matter of retention, amount of fees, or identity of fee payer.
Mar. 16, 1998	Williams & Connolly and Skadden Arps file a reply memorandum in support of their motion to quash Lenzner subpoena.

July 29, 1998	Chief Judge Johnson issues an order on the grand jury subpoena to Terry Lenzner, ruling that Mr. Lenzner must provide all fee information to the grand jury, but that the general subject matter of his retention is protected by the attorney-client privilege.
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