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WORKING CHRONOLOGY FOR USE AT  
SEPTEMBER 27, 1983 HEARING  
RELATING TO THE WITHHOLDING OF EPA  
DOCUMENTS AND CLAIMS OF  
EXECUTIVE PRIVILEGE

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DIRECTORY OF INDIVIDUALS  
REFERENCED IN CHRONOLOGY

Department of Justice Officials  
(As of March 1983)

Office of the Deputy Attorney General

EDWARD C. SCHMULTS - Deputy Attorney General

Office of Legal Counsel

THEODORE B. OLSON - Assistant Attorney General  
LARRY L. SIMMS - Deputy Assistant Attorney General  
LAUREL PYKE MALSON - Attorney

Office of Legislative Affairs

ROBERT A. McCONNELL - Assistant Attorney General

Civil Division

J. PAUL McGRATH - Assistant Attorney General

Land and Natural Resources

CAROL E. DINKINS - Assistant Attorney General  
MARY WALKER - Deputy Assistant Attorney General  
JAMES M. SPEARS - Special Assistant to the Assistant  
Attorney General  
STEPHEN D. RAMSEY - Chief, Environmental Enforcement Section

Environmental Protection Agency Officials  
(As of March 1983)

Office of the Administrator

ANNE M. BURFORD - Administrator  
JOHN E. DANIEL - Chief of Staff

Office of the Associate Administrator for Legal  
and Enforcement Counsel

ROBERT M. PERRY - Associate Administrator  
MICHAEL A. BROWN - Enforcement Counsel  
RICHARD H. MAYS - Special Assistant to Enforcement Counsel  
and Deputy General Counsel  
GERALD H. YAMADA - Acting Deputy General Counsel

White House Officials  
(As of March 1983)

Presidential Senior Staff

EDWIN MEESE III - Counsellor to the President  
CRAIG FULLER - Assistant to the President for Cabinet Affairs  
JAMES BAKER - Chief of Staff  
MICHAEL K. DEEVER - Deputy Chief of Staff

Counsel to the President

FRED F. FIELDING - Counsel to the President  
RICHARD A. HAUSER - Deputy Counsel to the President  
SHERRIE M. COOKSEY - Assistant Counsel to the President

EVENTS

- Thursday, September 2, 1982 -- Meeting regarding the Seymour, Indiana hazardous waste site held in the conference room of the Assistant Attorney General for Lands and Natural Resources. Three DOJ officials, including a Deputy Assistant Attorney General, and eight EPA officials attend.
- Friday, September 17, 1982 -- Letter from Chairman Dingell to the EPA Administrator requesting documents relating to three hazardous waste sites.
- Wednesday, September 29, 1982 -- Meeting at DOJ between Dinkins, Simms, Ramsey, and Pyke-Malson of DOJ and Perry, Yamada, and Mays of EPA to discuss document requests received from the Dingell and Levitas Subcommittees.
- Friday, October 1, 1982 -- Meeting at DOJ between EPA and DOJ officials to discuss Congressional document requests.
- Letter from Robert Perry to Chairman Dingell in response to the September 17 letter transmitting some documents and withholding other "enforcement-sensitive information." The letter states that EPA officials would be willing to discuss release and confidential treatment of this information.
- Tuesday, October 5, 1982 -- Telephone call between EPA and DOJ officials regarding DOJ participation in the document review process.
- Wednesday, October 6, 1982 -- Meeting at EPA attended by three DOJ officials and four EPA officials regarding strategy in responding to document requests.
- Friday, October 8, 1982 -- Telephone conversations between EPA General Counsel and Subcommittee Chief Counsel regarding withheld documents.
- Letter from EPA General Counsel to Chairman Dingell stating that EPA had furnished withheld documents to DOJ per DOJ instructions.

Thursday, October 14, 1982

- EPA and DOJ officials make available some of the withheld documents for Subcommittee staff review at EPA's offices. cursory review was cut short when tentative agreement to deliver the documents to the Subcommittee was reached. Agreement provided for delivery of documents under confidentiality procedures including storage in the Subcommittee's safe, access limited to Members and designated staff, and maintenance of a sign-in sheet.

Tuesday, October 19, 1982

- Letter from DOJ to Chairman Dingell advising that purpose of the October 14 meeting was to permit Subcommittee staff "to verify the enforcement-sensitive nature" of the withheld documents. Advises that documents will be withheld.

Thursday, October 21, 1982

- Subcommittee subpoena duces tecum directs EPA Administrator to deliver the withheld documents on October 26, 1982.

Friday, October 22, 1982

- Meeting at DOJ attended by Olson, Dinkins, Ramsey, Simms and five others from DOJ; Hauser and Cooksey from the White House; Yamada, Mays and Brown of EPA. Subpoena and the claim of executive privilege were discussed.

Monday, October 25, 1982

- Olson sends memorandum to the President urging him to instruct the EPA Administrator to assert executive privilege and refuse to furnish withheld documents in response to the Subcommittee subpoena.

Tuesday, October 26, 1982

- In a press statement announcing postponement of the EPA Administrator's appearance in response to subpoena, Chairman Dingell states, in part: "the Subcommittee's inquiry involves specific allegations of misconduct and unethical behavior by an agency official."

Friday, October 29, 1982

- Letter to the Editor, printed in The Washington Post from Olson states: "Mr. Dingell's staff has never once hinted that these documents contain any evidence of misconduct or unethical behavior. Thus, these documents are not relevant to the new and completely unsubstantiated charge by Mr. Dingell ...."

Monday, November 22, 1982

- Levitas Subcommittee subpoena duces tecum is served on EPA Administrator.

Wednesday, November 24, 1982

- EPA provides Dingell Subcommittee with first itemized list of withheld documents subject to October 21 subpoena.

Sunday, November 28, 1982

- Meeting at EPA to prepare the Administrator for her December 1 appearance before the Levitas Subcommittee in response to subpoena. Representatives from EPA, DOJ, and the White House attend including Daniel, Perry and Yamada; Olson and Simms; and Hauser. Olson said Attorney General would recommend that the President assert executive privilege. The Administrator objected stating she wanted to turn over the documents.

Tuesday, November 30, 1982

- President Reagan sends memo to the EPA Administrator asserting executive privilege and directing her to refuse to deliver withheld documents.

Attorney General Smith letter to Chairman Dingell, sent at the direction of the President, sets out the basis for the President's claim of executive privilege. The letter states that the President's claim would "not be employed to shield documents which contain evidence of criminal or unethical conduct by agency officials from proper review. However, no claims have been advanced that this is the case with the files at issue here."

Thursday, December 2, 1982

- EPA Administrator appears before

Levitas Subcommittee and asserts privilege on behalf of the President. Olson accompanies her as her counsel.

Friday, December 3, 1982

- Chairman Dingell states in opening statement of Perry hearing:

"The Subcommittee's investigation also involves specific allegations of misconduct and unethical behavior by Agency officials. The Subcommittee staff believes it is highly likely that information relevant to the allegations of misconduct and unethical behavior by Federal employees is contained in the withheld documents."

Friday, December 10, 1982

- Perry letter to Chairman Dingell describes documents being withheld from the Subcommittee and lists all EPA and DOJ employees involved in discussions leading to the withholding of the documents. Letter also lists Olson, Simms, Walker, Ramsey, and Pyke-Malson of DOJ as having reviewed the documents in determining their enforcement sensitive nature.

Sunday, December 12, 1982

- Meeting in Administrator's office to prepare for her appearance before Subcommittee on December 14 in response to subpoena. Olson (at least) is present. Olson states that DOJ will back the Administrator "all the way" on executive privilege.

Tuesday, December 14, 1982

- Subcommittee receives letter from Perry, dated December 13, transmitting certain previously withheld documents "in the spirit of the Attorney General's statement to you ... that the Executive Branch responsibility for law enforcement materials would not be used to shield a document which contains evidence of criminal or unethical conduct by Agency officials from proper review."

Administrator appears before



Subcommittee with Olson as her counsel. Chairman Dingell in his opening statement states:

"The Subcommittee's investigation also involves specific allegations of misconduct and unethical behavior by certain Agency officials. The Subcommittee staff believes that information relevant to the allegations of misconduct and unethical behavior is contained in the withheld documents."

The Administrator asserts executive privilege on behalf of the President, and the Subcommittee adopts a resolution finding the Administrator in contempt.

- Wednesday, December 15, 1982 -- Perry transmits letter to Chairman Dingell with enclosure describing the documents identified at that time as withheld under the claim of executive privilege. Olson, Dinkins, Ramsey, and Walker of DOJ and Hauser of White House certify that they reviewed the documents and they meet the criteria set forth in the President's memorandum and the Attorney General's letter of November 30, 1982.
- Thursday, December 16, 1982 -- Meetings at EPA between DOJ officials and EPA Administrator and her senior staff to discuss draft complaint in U. S. v. House of Representatives.
- House of Representatives votes to hold EPA Administrator in contempt of Congress for failing to honor the subpoena of the Levitas Subcommittee of the House Public Works Committee.
- DOJ files lawsuit, U. S. v. House of Representatives seeking to enjoin action in furtherance of prosecution of EPA Administrator for contempt.
- Monday, December 27, 1982 -- Meeting between DOJ, EPA, and EPA outside counsel to discuss amendments to the complaint in U. S. v. House of Representatives.

- Wednesday, December 29, 1982 -- Yamada letter to McGrath states:
- "We are extremely disturbed and distressed to learn that, within but a few hours of your conversation with Mrs. Gorsuch and others, the Department of Justice decided to file later this evening the Amended Complaint ... We hope that you will reconsider filing the Amended Complaint tonight so that you will be able to consider the submission we will make tomorrow morning."
- DOJ files Amended Complaint in U. S. v. House of Representatives.
- Thursday, January 6, 1983 -- Perry letter to McGrath citing problems with DOJ's positions on various claims and defenses in the lawsuit.
- Friday, January 14, 1983 -- Letter to EPA Administrator from Chairman Dingell seeking documents on five hazardous waste sites, including three that were subject to subpoena during the previous Congress.
- Tuesday, January 25, 1983 -- Letter to EPA Administrator from Chairman Dingell requests staff interviews with twenty-five EPA employees regarding the Stringfellow site.
- Wednesday, February 2, 1983 -- Interviews are scheduled to begin. Letter from Perry to Chairman Dingell imposes three unacceptable conditions "before any interviews are conducted."
- Thursday, February 3, 1983 -- U. S. District Judge Smith dismisses U. S. v. House of Representatives.
- Friday, February 4, 1983 -- Rita Lavelle is asked to resign by the Administrator.
- Monday, February 7, 1983 -- President Reagan fires Rita Lavelle.
- Tuesday, February 8, 1983 -- Letter from Chairman Dingell to EPA Administrator regarding interviews. It advises her that one of the agency's conditions on permitting

interviews violates Federal law and that the Subcommittee will "pursue more formal means and authorities to obtain the information vital to our inquiry."

- Wednesday, February 9, 1983 -- In a news conference, the President states that if there is any suggestion of wrongdoing, documents will not be withheld from Congress.
- Thursday, February 10, 1983 -- Subcommittee subpoena duces tecum directs EPA Administrator to deliver documents related to five hazardous waste sites to the Subcommittee on March 10, 1983.
- Tuesday, February 15, 1983 -- Deputy Attorney General Schmults briefs the EPA Administrator on the progress of negotiations with the Levitas Subcommittee.
- Thursday, February 17, 1983 -- Administrator and her chief of staff meet with Meese, Deaver and Fielding prior to meeting with President Reagan. She argues that continued withholding of documents has become a political liability.
- Administrator and her chief of staff meet with President Reagan, Fielding, Baker, Meese, Deaver, and Fuller. She argues for release of the withheld documents to the Congress.
- Friday, February 18, 1983 -- Perry telephones Assistant Attorney General Dinkins following a conversation with Yamada regarding the contents of certain documents withheld under a claim of executive privilege.
- The Memorandum of Agreement with Chairman Levitas is signed.
- Saturday, February 19, 1983 -- Perry telephones Fielding to discuss his concerns over the nature of certain withheld Stringfellow documents.
- Sunday, February 20, 1983 -- Perry, Yamada, and Mays review withheld documents at EPA. Perry later telephones Fielding and takes

the documents to Fielding's home.

Monday, February 21, 1983

- Perry tells Mays that his meeting the prior day with Fielding was "inconclusive."

Tuesday, February 22, 1983

- Subcommittee begins to take the sworn testimony of EPA employees in executive session pursuant to subpoena of January 25, 1983.

DOJ officials request access to the files of the lead EPA attorney assigned to the Seymour hazardous waste site.

Thursday, February 24, 1983

- Telephone conversation between Administrator, her chief of staff, and Craig Fuller. The Administrator requests another meeting with the President and states that the "reasonable bounds of executive privilege have been exceeded."

Friday, February 25, 1983

- 2:00 p.m. -- The Administrator directs the referral to Justice Department of notes of EPA attorneys relevant to allegations of the political manipulation of the Seymour and Stringfellow sites. The documents are hand carried to DOJ by Perry and Yamada and presented at a meeting with DOJ officials including Schmults, Dinkins, Ramsey, and Walker.

3:30 p.m. -- The Administrator and her chief of staff meet with President Reagan, Vice President Bush, Senator Laxalt, and Fuller to urge release of the documents.

6:00 p.m. -- The Administrator and chief of staff meet at DOJ with Attorney General Smith, Schmults, Olson, Simms, and Dinkins of DOJ and Hauser and Fuller of the White House.

Monday, February 28, 1983

- The Subcommittee continues to hear the testimony of subpoenaed EPA employees in executive session.

Tuesday, March 1, 1983

- Chairman Dingell transmits letter to

President Reagan, with copy to the Attorney General, citing "specific information of criminal conduct and other wrongdoing developed during our Stringfellow investigation..."

Thursday, March 3, 1983

- Meeting at EPA between the Administrator, chief of staff and other EPA officials and Schmults and Dinkins. Withdrawal of DOJ representation of EPA Administrator was discussed.

Friday, March 4, 1983

- Deputy Attorney General Schmults transmits letter to the Administrator formally withdrawing DOJ representation.

Wednesday, March 9, 1983

- EPA Administrator resigns.

An agreement is reached between Chairman Dingell, Ranking Minority Member Broyhill, and the White House providing for delivery of all withheld documents to the Subcommittee.