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March 14, 2002

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Mr. Clay Johnson, III
Assistant to the President for Presidential Personnel
The White House
Washington, DC 20502

Dear Mr. Johnson:

I am writing to respond to your letter of February 14, 2002.

On February 7, I wrote to you as the head of the Office of Presidential Personnel (OPP) asking for information about Administration appointees who had previously worked at Enron as employees, consultants, or advisors, or had performed legal, consulting, or accounting services for Enron. I also asked you to provide information about Administration appointees who were recommended by Enron, former Chairman Kenneth L. Lay, or other Enron employees.

This was an entirely reasonable request, which sought information necessary to Congress' investigation of Enron's financial collapse. An important aspect of Congress' investigation is determining whether Enron exerted undue political influence over the federal government which prevented effective oversight and regulation of Enron's activities. While much is already known about Enron's campaign contributions, very little is known about Enron's influence on political appointments.

Instead of assisting Congress in performing legitimate oversight over the executive branch, your February 14 letter flatly refuses to provide any of the information that I requested. You noted simply that "the only presidential appointee in the cabinet departments or agencies who was recently employed by Enron is Secretary of the Army Thomas White." You then explained that "[m]uch of the remaining information [I] have requested is available from a variety of public sources." You also claimed that OPP had no "reliable, comprehensive listing" of individuals who worked for Enron as consultants, advisors, or attorneys.

I take issue with several points in your letter. Your assertion that Secretary White is the only "presidential appointee" recently employed by Enron may be technically accurate, but it omits the fact that other high-level appointees once worked at Enron. For example, the *Washington Post* reported last month that Dominic Izzo and Geoffrey Prosch, who both currently

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serve as principal deputy assistant secretaries of the Army, worked for Enron before joining the Administration.¹ Although Mr. Izzo and Mr. Prosch might not qualify as “presidential appointees” because their appointments did not require Senate confirmation, they are certainly high-level appointees of this Administration. Moreover, your letter fails to mention the fact that U.S. Trade Representative Robert Zoellick, whose appointment required Senate confirmation, was a paid Enron advisor before joining the Administration.²

Your suggestion that OPP cannot provide the information I am seeking appears to be incorrect. My staff has spoken with Bob Nash, who headed OPP during the Clinton Administration. According to Mr. Nash, resumes of all political appointees – Senate-confirmed, non-career SES, and Schedule C – are computerized at OPP, and it is possible to review these resumes for references to prior employment at Enron or prior work as a consultant, advisor, or attorney for Enron. Mr. Nash has advised my staff that there is substantial variation in the amount of employment information that appointees disclose on the resumes they submit to OPP. However, the fact remains that much of the information I am seeking may exist in your office, and it is clearly possible for you to search for it. You have simply chosen not to do so.

I also understand that personnel files of political appointees contain recommendation letters and other documents indicating the names of those individuals who supported the appointment. It has already been widely reported that Mr. Lay recommended Pat Wood and Nora Brownell for positions on the Federal Energy Regulatory Commission and that both Mr. Wood and Ms. Brownell were subsequently appointed.³ There may well be other Administration officials whose appointments were pushed by Enron.

In 1997, the Clinton Administration provided Chairman Burton with the personnel records of numerous individuals whose appointments were being considered by OPP. Included in these documents were resumes, recommendation letters, and other internal OPP memoranda. In contrast, my request to you does not seek these types of confidential documents but merely a list of those officials who worked at Enron or whose appointments were recommended by Enron.

Lastly, I dispute your assertion that a great deal of this employment information is already in the public domain. In fact, the previous employment histories for the vast majority of political appointees is not publicly available. Indeed, the most recent copy of the Federal Staff Directory contains no biography for either Mr. Izzo or Mr. Prosch.

¹*Defense Department Included in Effort to Save Enron Data*, Washington Post (Feb. 9, 2002).

²*Some in Bush Administration with Financial Ties to Enron*, USA Today (Jan. 21, 2002).

³*Lay Gave Names for Panel*, MSNBC (Feb. 1, 2002).

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The information I am seeking is necessary to help Congress understand the reasons underlying Enron's financial collapse. Consequently, I urge you to reconsider your refusal to provide a complete list of all Administration officials who previously worked for Enron.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman", written over the printed name.

Henry A. Waxman
Ranking Minority Member