

Deal announced on missing e-mails

Groups sued to press
Bush administration
on recordkeeping

BY DAN EGGEN

The White House and two non-profit groups announced a settlement Monday in a long-running lawsuit over more than 22 million e-mails that were missing during the Bush administration because of poor labeling and other technical problems.

The National Security Archive, a historical records group, and Citizens for Responsibility and Ethics in Washington, a watchdog organization, sued the Executive Office of the President in 2007. They alleged that millions of White House e-mails were missing from March 2003 to October 2005, in violation of laws requiring their preservation.

The George W. Bush White House, which initially denied that e-mails were missing, eventually found more than 22 million messages that had been mislabeled, according to court records filed by the government the day after Bush left office.

But the two advocacy groups said spotty electronic recordkeeping suggested that many more e-mails might still be missing, leading them to continue pressing their legal case.

"This settlement means that the Obama administration is trying to clean up the mess that the Bush administration left behind," said Meredith Fuchs, counsel for the archives group. "They want to move on; they don't intend to have this kind of problem."

Earlier this year, officials said, White House contractors restored 61 days of missing e-mails — an expensive process that involves resurrecting lost messages from backup tapes. The administration

has promised to restore an additional 33 days of e-mail records as part of its legal settlement with the groups.

The selections of restored e-mails include dates that were randomly chosen, flagged for unusually low message activity or centered on important events such as the run-up to the Iraq war. The White House has developed a new system for preserving electronic records that should prevent the problems that emerged during both the Bush and Bill Clinton years, officials said.

Scott Stanzel, a former Bush White House spokesman, said that CREW "has consistently tried to create a spooky conspiracy out of standard [information technology] issues. Their misleading statements about our work demonstrates their continued anti-Bush agenda, nearly a year after a new president was sworn in."

Melanie Sloan, CREW's executive director, said that documents produced during the legal battle show that the Bush administration did not follow through on plans that would have helped solve chronic e-mail archiving problems.

"There are laws requiring these e-mails to be preserved, so people violated the law," Sloan said. "They figured out there was a problem, but the policy people rejected a plan to retrieve them."

It is unclear how many e-mails will be released publicly, however. Any restored e-mails will become part of the Bush collection at the National Archives and Records Administration, and officials said many will probably be withheld for security reasons or because they are considered presidential records not covered by the Freedom of Information Act.

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Research director Lucy Shackelford contributed to this report.