

Reagan Library Topic Guide – Burford, Anne Gorsuch – Investigation

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White House Office of Records Management (WHORM) [Alphabetical Files](#).

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BURFORD, ANNE GORSUCH – INVESTIGATION

See also: [Environmental Protection Agency \(EPA\) Officials, Investigation of Superfund/EPA](#)

SCOPE NOTE

Congressional investigations and hearings into the Environmental Protection Agency (EPA) grew out of routine budgetary oversight of the hazardous waste laws being carried out by the Agency. Chief among these laws was the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, commonly known as the Superfund act. A key provision of this act was the establishment of the “Superfund” trust fund, by means of a special tax on the chemical and petroleum industries, for cleaning up abandoned or uncontrolled hazardous waste sites.

Investigations leading to the six-year continuing investigation of the Environmental Protection Agency, the Administrator and the key agency appointees began in 1982. Allegations of mishandling the \$1.6 billion Superfund monies began almost immediately after the establishment of the fund. In mid-September 1982, Congressman John Dingell of Michigan requested any and all information on the ongoing clean-up of three Superfund sites: Tar Creek, Oklahoma, Stringfellow Acid Pits, California and Berlin and Farro, Michigan His investigation was for the use of the House Committee on Energy and Commerce, Subcommittee on Oversight and Investigation. The EPA signaled the first troubles in responding to this request stating in a letter that some documents were being withheld as they contained “enforcement-sensitive information.” As a result Dingell’s subcommittee issued a subpoena for withheld documents and this was followed by a subpoena for all documents on EPA priority sites under the Superfund Act by Congressman Elliot Levitas , Chairman of the Subcommittee on Investigations and Oversight of the House Public Works and Transportation Committee.

Eventually, six congressional panels were probing allegations of political manipulation, “sweetheart” deals, conflicts of interest, perjury, and destruction of documents by EPA employees. Their investigations focused on two particular officials – EPA head Anne M. Burford (aka Anne Gorsuch), and Rita Lavelle, the head of EPA’s waste management program.

The Reagan Administration and the Justice Department advised Burford not to appear before the Congressional committees, or to produce documents requested by Congress, as a matter of executive privilege. When she followed these instructions, Burford became the first agency head ever cited for contempt of Congress. The Administration response to was to file a law suit challenging the right of Congress to issue subpoenas.

As the White House Counsel staff, the Department of Justice and President Reagan started actually reviewing the material from the EPA, concerns about the agencies actual handling of the Superfund surfaced. At this point, President Reagan asked the Department of Justice (DOJ) to start its own investigation of the situation at the EPA.

The White House and DOJ continued to try to find an acceptable way to provide the requested material to Congress while protecting the pending and sensitive law enforcement matter within these documents. DOJ law suit on subpoenas also included the issue of executive privilege. Without ruling on the question of Executive Privilege, U.S. District Court Judge John Lewis Smith dismissed the Justice Department executive privilege/subpoena power suit. He advised both sides to work out their differences. Eventually, both sides compromised. Memorandums of Understanding were created for Representatives Levitas and Dingell's oversight committees and the documents were produced.

As a result of viewing all the documents, Rita Lavelle, Assistant Administrator for the Waste Management program appeared to have conflicts of interest with her management of the Superfund monies, especially of the Stringfellow California waste site. She was asked to resign and when she refused to do so was fired by the President on February 7, 1983. At this point, the White House insisted on the placement of outside personnel within the EPA to assist with all management problems there. Shortly after the placement of these "watchdog" personnel, Anne Gorsuch Burford resigned as the Administrator of the Environmental Protection Agency on March 9, 1983.

WHORM SUBJECT FILE

[BE003-11](#) case file 069886

[FE002-01](#) case file 098459

[FE010-01](#) case file 122148, 468901, 469501

[FG006-01](#) case file 246411

[FG122](#) case files 071149, 077615, 077799, 115355, 118868, 118880, 124153, 126491, 126739, 127196, 127451, 127538, 127822, 128116, 128380, 128890, 129044, 129191, 129458, 129513, 129627, 131100, 131161, 131208, 142366, 147955, 151252, 151282, 178887, 609967

[HE007](#) case file 073800

[JL002](#) case file 119477

[JL003](#) case file 189055

WHITE HOUSE STAFF AND OFFICE FILES

CABINET AFFAIRS, OFFICE OF

Fuller, Craig L.: Files

OA 8978

Anne Burford's Legal Fees

COUNSEL, OFFICE OF THE

Cohen, Benedict S.: Files

CFOA 1340

U.S. v. House of Representatives (Gorsuch Contempt Case) (1)-(5)

Hauser, Richard A.: Files

OA 11136

Thriftway

Cooksey, Sherrie M.: Files (Counsel)

OA 11737

SMC/Executive Privilege - Environmental Protection Agency (1)(2)

SMC/Gorsuch Legal Fees

SMC/Gorsuch Executive Privilege (1)-(4)

Waller, David B.: Files

OA 7510

Anne Gorsuch – EPA Investigation re Thriftway Company

Counsel, Office of the: Investigations

Box 12

Gorsuch Correspondence with Department of Justice 1981-1983

Gorsuch Subpoena October 1982-February 1983

Presidential Memos & [Withheld Privileged Documents / Gorsuch October 1982 (1)-(6)

EPA/ Presidential Memos / Gorsuch October 1982-November 1982

EPA Talking Points [Executive Privilege] November 1982

Contempt Vote (House Investigations and Oversight Subcommittee) 12/03/1982

EPA – Executive Privilege [Gorsuch Contempt Issue] January 1983-February 1983

EPA / Ropes & Gray [Gorsuch Contempt Issue] January 1983

Gorsuch - Correspondence with Rep. Dingell 01/28/1983

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Contempt Citations May 1983 (1)(2)

Harris, Stan - Testimony (Committee on Public Works and Transportation) [Gorsuch Contempt Issue] 06/16/1983

EPA Investigation Report 08/11/1983 (1)(2)

EPA Personnel [Improper Practices] 09/23/1983

Dingell Hearings – Notes 09/27/1983 (1)(2)

EPA: Dingell Hearings: Fall 1983 (1)-(3)

EPA / Dingell Hearings Material September 1983 (1)(2)

[Report of Sub-Committee on Superfund Administration, etc.] 09/29/1983 (1)-(4)

EPA / Miscellaneous October 1982-June 1983 (1)-(3)

Box 17

[EPA Press Clippings Gorsuch]

Box 19

- [14] Transcripts: Q&A Goar to Gorsuch (Undated)
- [15] Memo Sherrie Cooksey to Fred Fielding 03/04/1983 with Attached Memo from Cooksey to Fielding 03/03/1983
- [16] Routing Slip from Theodore Olson to Richard Hauser 01/18/1983 Covering Letter from Dingell to Gorsuch, and Perry Statement
- [17] Letter from Dingell to Perry 11/15/1982
- [18] Memo from Hauser/Cooksey to Fielding 11/22/1982
- [19] Gorsuch Subpoena – Dingell Subcommittee 10/14/1982
- [20] Gorsuch Subpoena – Levitas Subcommittee 11/16/1982
- [27] Chronology of Events

Box 20

[88] WHORM Case File FG122, 147955 re: Purging the House of Representatives Contempt of Congress Against Mrs. Burford, June 1983

Box 21

[109] 19 EPA Inquiry – Hold [Letter Edward Schmults to Anne Gorsuch re: Referral of FBI, 02/15/1983 and Letter Edward Schmults to Rep. Howard re: EPA Documents, 02/14/1983]

Box 23

Document Production Request of 04/10/1987: 9. Burford Resignation 03/09/1983 (1)-(5)

Last Updated: 10/13/2010

Most Recent Opening: 09/03/2009

<u>Case#</u>	<u>Researcher</u>	<u>Topic</u>	<u>Pages</u>	<u>Restricted</u>
F99-097/3	David Yalof	Investigations-Variou	2331	172