



U.S. Department of Justice  
Office of the Solicitor General

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Washington, D.C. 20530

March 24, 2004

Honorable William K. Suter, Clerk  
Supreme Court of the United States  
Washington, D.C. 20543

Re: Office of Independent Counsel v. Favish,  
No. 02-954 (argued Dec. 3, 2003)

Dear Mr. Suter:

On May 5, 2003, the Court granted certiorari in the above-captioned Freedom of Information Act case, and oral argument was heard on December 3, 2003. Pursuant to Supreme Court Rule 35.3, this letter is to advise the Court that the Office of Independent Counsel terminated its operations on March 23, 2004. As explained in the attached statement from the Office of Independent Counsel, all of the records of the Office of Independent Counsel, including those sought in respondent's Freedom of Information Act request, have now been transferred to the National Archives and Records Administration. Accordingly, the National Archives and Records Administration should be substituted as the petitioner in this case.

Sincerely,

Theodore B. Olson  
Solicitor General  
Counsel of Record

cc: attached service list



## Office of the Independent Counsel

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March 23, 2004

### **FOR IMMEDIATE RELEASE**

Independent Counsel Julie F. Thomas issued the following statement today.

The Office of the Independent Counsel (In re: Madison Guaranty Savings and Loan) terminated all operations today pursuant to 28 U.S.C. 596(b)(2) and the Special Division's Order of November 4, 2003. The Office completed its last open investigation on January 19, 2001. Sixteen convictions of individuals for violations of criminal laws were obtained during the course of our investigation, as well as an Agreement with the then President of the United States. On September 30, 2001, the Special Division terminated our investigative functions, as they were no longer necessary to our Office. In an effort to further our move towards closure of the Office, we continued to fulfill our statutory obligations. By March 20, 2002, the Office had released six public reports on its operations. On March 3, 2003, the Office completed all its responses to petitions for attorney's fees in accordance with 28 U.S.C. 593(f)(2). As of today's date, all of our statutory archiving requirements have been fulfilled and the records of the Office have been transferred to the National Archives pursuant to 28 U.S.C. § 594(k)(1).

It is appropriate to thank my colleagues, the many attorneys and support staff personnel at the Office of the Independent Counsel, my predecessors, former Independent Counsels Kenneth W. Starr and Robert W. Ray, as well as agents and employees of the Federal Bureau of Investigation and the Internal Revenue Service who worked tirelessly in the service of their country and the pursuit of justice. Further, I wish to recognize the dedication of the citizens who served on grand juries and petit juries in Little Rock, Arkansas, the District of Columbia, and the Eastern District of Virginia. I also extend my thanks to the many Court, Government Accounting Office, Administrative Office, Department of Justice, and National Archive employees for their assistance. The work of this Office could not have been successfully concluded without their hard work, integrity, and sacrifice.

Any inquiries or Freedom of Information Act (FOIA) requests regarding the Office of Independent Counsels' records should be forwarded to the following: Steven D. Tilley, Chief, Special Access/FOIA Branch, National Archives and Records Administration, 8601 Adelphi Road, College Park, Maryland 20740-6001, ph. (301) 837-3059. In addition, you may access the

Office's website ([www.oic-thomas.com](http://www.oic-thomas.com)) to obtain jurisdictional mandates, press releases and other information.

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