

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Draft	[Letter] [3 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/09/2025 JLS] - To: Christopher Shays - From: Alberto Gonzales	3	05/2002	
002	Email	Important: Draft Letter [1 PAGE RELEASED IN WHOLE ON PRA RE-REVIEW 09/09/2025 JLS] - To: Alberto Gonzales, et al. - From: Brett Kavanaugh	1	05/13/2002	
003	Draft	[Letter] [3 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/09/2025 JLS] - To: Christopher Shays - From: Alberto Gonzales	3	05/2002	
004	Email	RE: Per Your Voice Mail [1 PAGE RELEASED IN PART FOR (b)(6) ON PRA RE-REVIEW 09/09/2025 JLS] - To: John Laster, et al. - From: James Cicconi	1	11/08/2002	b6;

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

NARA (National Archives and Records Administration) Notices [Folder 2] [2]

FRC ID:

9700

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawn/Redacted Material

The George W. Bush Library

SUPERSEDED

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Draft	[Letter] - To: Christopher Shays - From: Alberto Gonzales	3	05/2002	P5;
002	Email	Important: Draft Letter - To: Alberto Gonzales, et al. - From: Brett Kavanaugh	1	05/13/2002	P5;
003	Draft	[Letter] - To: Christopher Shays - From: Alberto Gonzales	3	05/2002	P5;
004	Email	RE: Per Your Voice Mail - To: John Laster, et al. - From: James Cicconi	1	11/08/2002	P5; P6/b6;

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

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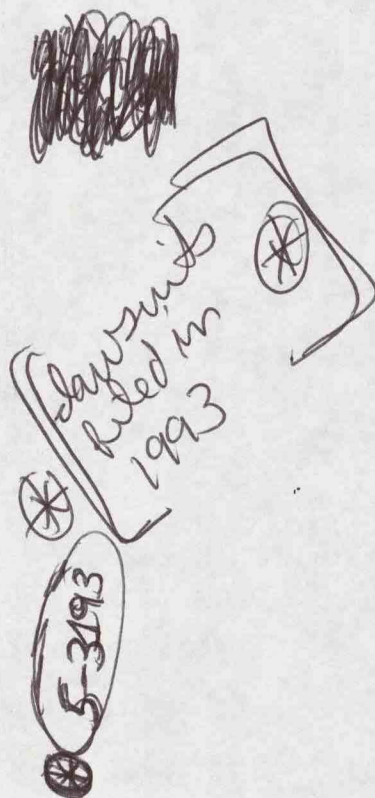


National Archives & Records Administration

facsimile

TRANSMITTAL

to: Brett Kavanaugh
fax #: (202) 456-5104
re: Notification to release Reagan Presidential records (NLMS 2002-020)
date: June 10, 2002
pages: [27 Pages (including cover sheet)].



From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov

National Archives and Records Administration



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2002-020)

June 10, 2002

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20500

Dear Judge Gonzales:

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open 9,715 pages of Reagan Presidential records in response to the Freedom of Information Act (FOIA) requests and the systematic processing project listed in Attachment A.

A total of 10,923 pages were reviewed for all applicable FOIA exemptions, resulting in 1,208 pages restricted in whole or in part. Reagan Presidential records are no longer subject to closure under the Presidential restrictive categories of the PRA. However, it should be noted that the 9,715 pages proposed for opening in this notice contain no confidential communications requesting or submitting advice or other information that would normally have been withheld prior to January 20, 2001, under the PRA restrictions in 44 U.S.C. §2204(a), as they were asserted and narrowed by President Reagan. Of the records proposed for opening, twenty-one pages were declassified by Reagan Library staff using White House or Department of State declassification guidelines.

Please note that NARA has previously notified the White House of our intent to release all 9,715 pages in this notification in accordance with E.O. 12667. In letters dated April 6, 2001, May 9, 2001, and July 11, 2001, NARA notified the incumbent President of our intent to release a total of 36,191 pages and 43 minutes of tape recordings, of which these records are a part. The incumbent President made no decision with respect to these three notifications as issued under E.O. 12667. Therefore, in accordance with E.O. 13233, NARA is now providing notification of our intent to open this material.

Please note as well that NARA also informed former President Reagan's representative, Joanne Drake, of our intent to release these records under E.O. 12667, as part of the 36,191 pages. Even though Ms. Drake informed us then that former President Reagan had no objection to the release of these records at that time, we are now providing notice to her under E.O. 13233.

A copy of all declassified documents is included at Attachment B. Copies of all other documents proposed for release under this notice will be provided to you upon request. Please inform us at your earliest convenience of your decision with respect to any privilege claims. Pursuant to E.O. 13233,

NARA will not release the documents unless and until former President Reagan and the incumbent President agree to authorize access to the records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,



NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosures

cc: Brett Kavanaugh
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel, Department of Justice
Gary M. Stern
General Counsel, National Archives and Records Administration
R. Duke Blackwood
Director, Ronald Reagan Library

ATTACHMENT A

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F96-099/3	Oliver Rathkolb	Austria	196	151 (151 classified)	45

This request pertains to all NSC reports and/or country studies on Austria. The material to be opened includes routine memoranda and letters concerning Raoul Wallenberg and export control discussions with Austria, published articles on technology transfers and unclassified cables on aircraft sales to Austria. The material contains five pages of material declassified using White House guidelines. Copies of these pages can be found at Attachment B.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F97-109/2	David C. Wills	Selected folders from the Crisis Management Center	1130	994 (994 classified)	136

This request pertains to specific folders from the collection of the Crisis Management Center (CMC) of the National Security Council. The material to be opened includes several speeches given by Richard Beal, the director of the CMC on crisis-decision making theory and practice. Other material includes news reports concerning Lebanon, the attack on Saudi tanker *Yanba Pride*, a London news report of Syrian and Israeli secret talks, magazine articles on the Korean Airliner shootdown, and material related to crisis management in general. The material dates from 1984.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-041	Martha Derthick	Correspondence with Senators Dole and Domenici	554	3	551

This request pertains to correspondence and memoranda from and to Senators Robert Dole and Pete Domenici as well as three days of Presidential briefing papers for meetings that the President had with the Senators. The material to be opened includes routine correspondence and memoranda to and from Senator Domenici located in the WHORM Alphabetical File. These items are letters and memoranda to constituents from the President with thank yous for support of various issues. Also to be opened are three days of Presidential briefing papers for meetings that the President had with Senators Dole and Domenici concerning the 1983, 1985, and 1987 budgets. Included on these briefing papers are various other appointments with the President such as meetings on the Cabinet Council on Human Resources, discussions on the first draft of the State of the Union Address, and meetings with the basketball teams of the University of Texas and the University of Louisville. The material contains one page that was declassified using White House guidelines. A copy of the page can be found at Attachment B.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F99-066/2	Nicholas Laham	Immigration Reform and Control Act of 1986	2814	22 (1 page classified)	2792

This request pertains to the Immigration Reform and Control Act of 1986. Materials proposed for opening pertain to discussions of immigration issues by various White House staff, the Cabinet Council on Legal Policy (1982-1985), and the Domestic Policy Council (1985-1986). This also includes earlier immigration legislation proposed by Senator Alan Simpson and/or Congressman Romano Mazzoli, meetings and other contacts with Senator Simpson and other members of Congress on immigration policy, the drafting of agency testimonies on the immigration issue before Congress, fact sheets on the bill, the bill signing ceremony, correspondence from the general public, and the implementation of the new law.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F00-075/1	Robert Caplen	Bitburg	419	16 (16 pages classified)	403

This request pertains to the President's visit to the military cemetery in Bitburg, Germany. The materials proposed for opening are from WHORM Subject File GI002 (Gifts to the President) and the files of Rudy Beserra, William Lucy and James Rentschler. The records include routine correspondence, memoranda, talking points, newspaper clippings, and reports on foreign reaction to the President's visit. The material contains fifteen pages of material declassified using Department of State guidelines. Copies of this material can be found at Attachment B.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-057	Grant Cameron	September 15, 1987 Memorandum of Conversation	12	10 (10 pages classified)	2

This request pertains to the memorandum of conversation for the September 15, 1987 meeting between President Reagan and Eduard Shevardnadze. The pages that are open are a page labeled Tab #1 and an unclassified cover memo to National Security Advisor Frank Carlucci referring to the attached memorandum of conversation.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
S01-013	Systematic processing	WHORM Subject File Messages Category	5798	12 (11 pages classified)	5786

This is a Reagan Library systematic processing project for WHORM Subject File ME (Messages). Material to be opened includes information pertaining to messages, greetings, statements, and similar communications sent from the President or on his behalf to individuals or organizations.

ATTACHMENT B

~~CONFIDENTIAL~~NATIONAL SECURITY COUNCIL
MESSAGE CENTERPAGE 01
EOB578SECSTATE WASHDC 2071
AN005025DTG: 222207Z OCT 81
TOR: 206/0004ZPSN: 039577
CSN: HCE739DISTRIBUTION: FARR-01 PIPE-01 RENT-01 TYSN-01 /004 A1WHYS ASSIGNED DISTRIBUTION:
SIT: RVA NAN COL JP VP EOB
EOB:OP IMMED
DE RUEHC #2071 2952352
O 222207Z OCT 81
FM SECSTATE WASHDC

TO AMEMBASSY VIENNA IMMEDIATE 1157

~~CONFIDENTIAL~~~~LIMITED OFFICIAL USE~~ STATE 282071
E.O. 12065: N/A

TAGS: AU, US, PGOV (KREISKY, BRUNO)

SUBJECT: PRESIDENTIAL MESSAGE TO KREISKY

1. EMBASSY IS REQUESTED TO DELIVER THE FOLLOWING MESSAGE
TO CHANCELLOR KREISKY FROM THE PRESIDENT.

BEGIN TEXT:

DEAR MR. CHANCELLOR:

I AM GRATEFUL FOR YOUR MESSAGE OF OCTOBER 18 BUT VERY MUCH
REGRET THE CIRCUMSTANCES WHICH FORCE YOU TO MISS THE SUMMIT
MEETING HERE IN CANCUN. THOSE OF US WHO HAVE BEEN SO
CLOSELY CONNECTED WITH THE EVOLUTION OF THIS IMPORTANT
CONFERENCE KNOW HOW MUCH IT OWES TO YOUR PERSONAL COMMIT-
MENT AND TO THE WORK YOU SO TIRELESSLY DEVOTED DURING
THE PREPARATORY STAGES. I AM DISAPPOINTED THAT I NO
LONGER HAVE AN OPPORTUNITY TO MEET YOU IN MEXICO BUT WISH
YOU THE SPEEDIEST POSSIBLE RECOVERY OF YOUR GOOD HEALTH.

SINCERELY,

RONALD REAGAN

HIS EXCELLENCY
DR. BRUNO KREISKY
CHANCELLOR OF THE REPUBLIC OF AUSTRIA
VIENNA

END TEXT

2. WHITE HOUSE DOES NOT INTEND TO RELEASE MESSAGES BUT
HAS NO OBJECTION TO RELEASE BY GOA.3. THERE WILL BE NO RPT NO SIGNED ORIGINAL. CLARK
BTDECLASSIFIED
WHITE HOUSE GPO: 1987
By dlb DATE 21/4/01~~CONFIDENTIAL~~



FRP

6785

FILE:
AUSTRIA

WNS 94 VIA RCA

WIEN 1400 NOVEMBER 18 1981

THE PRESIDENT

THE WHITE HOUSE

I THANK YOUR EXCELLENCY SINCERELY FOR THE GOOD WISHES
CONVEYED TO ME ON THE OCCASION OF THE NATIONAL DAY OF
AUSTRIA. SHARING YOUR CONVICTION THAT THE CLOSE TIES
AND EXCELLENT RELATIONS WHICH SO HAPPILY EXIST BETWEEN
OUR TWO COUNTRIES WILL CONTINUE IN THE FUTURE. I AVAIL
MYSELF OF HIS OPPORTUNITY TO EXPRESS TO YOUR EXCELLENCY

Released
2007
By ds Date 3/6/01

MY BEST WISHES FOR YOUR PERSONAL WELL-BEING AND THE
PROSPERITY OF THE AMERICAN PEOPLE.

RUDOLF KIRCHSCHLAEGGER

FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA



~~CONFIDENTIAL~~
NATIONAL SECURITY COUNCIL
SECRETARIAT

File: Austria

PAGE 01
EOB885

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TOR: 160/1908Z CSN: HCE423

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OP IMMED
DE RUEHC #0976 1601907
O 091907Z JUN 86
FM SECSTATE WASHDC

TO AMEMBASSY VIENNA IMMEDIATE 2836

~~CONFIDENTIAL~~

~~LIMITED OFFICIAL USE STATE 160976~~

E.O. 12356: N/A
TAGS: PREL, AU
SUBJECT: MESSAGE TO PRESIDENT-ELECT KURT WALDHEIM
--

1. EMBASSY SHOULD DELIVER FOLLOWING MESSAGE FROM
PRESIDENT REAGAN TO AUSTRIA'S PRESIDENT-ELECT KURT
WALDHEIM.

2. BEGIN TEXT:

DEAR MR. PRESIDENT-ELECT:

BEST WISHES ON THE OCCASION OF YOUR ELECTION. IT IS AN
APPROPRIATE MOMENT FOR ME TO EXTEND, FOR MYSELF AND THE
PEOPLE OF THE UNITED STATES, BEST WISHES FOR THE PEACE
AND PROSPERITY OF THE PEOPLE OF AUSTRIA DURING THE PERIOD
OF YOUR PRESIDENCY OF THE REPUBLIC.

SINCERELY, RONALD REAGAN. END TEXT.

3. THE WHITE HOUSE PLANS TO RELEASE THE MESSAGE TUESDAY
MORNING WASHINGTON TIME. PLEASE DELIVER MESSAGE BEFORE
THEN. SHULTZ
BT

REC. CLERKED
With/ JORDAN GILBERT 100 004 00 00 1977
By dlb RMA, Cals 3/6/01

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~III: PARTICIPANTSU.S.

~~The President~~
~~The Vice President~~
~~Secretary Shultz~~
~~Donald T. Regan~~
~~John M. Poindexter~~
~~William S. Woessner, Acting Assistant Secretary~~
~~Peter R. Sommer, NSC~~
~~Harry Obst, Interpreter~~
~~Don Fortier~~
FRG
~~Foreign Minister Genscher~~
~~Ambassador van Well~~
~~State Secretary von Braunmuehl, Foreign Ministry~~

*Meeting with
Foreign Minister
Genscher of West
Germany
9:55-10:20*

IV. PRESS PLAN

Pool photo coverage.

V. SEQUENCE OF EVENTS - 9:45 a.m. to 10:00 a.m.

Pool photo with you and Genscher seated in the Oval Office,
followed by discussion meeting.

Attachments

Tab A Suggested Talking Points
Tab B Genscher's Bio

Prepared by:
Peter R. Sommer

~~CONFIDENTIAL~~

3/5/01

DRAFT~~CONFIDENTIAL~~

Wed.

DOC ASSIGNED

WORKS GROUP

By

MCH

3/1/01

3/6/01

President's Appearance at Bergen-Belsen

STRATEGY

The task is to organize the Bergen-Belsen ceremony in a fashion which makes the most of the President's strengths in communicating on a personal level. The goal should be to put together a dignified ceremony, with religious content, which concentrates on the human lessons of Bergen-Belsen for the past and the future.

THEMES

Three basic themes will be important:

-- the moral imperative symbolized by the Holocaust itself. No human can ignore power of examples such as Bergen-Belsen. The apply to all of mankind and should not be seen simply as a problem for Germany.

-- the political imperative to ensure that conditions which made the Holocaust possible can never again arise in Europe or elsewhere.

-- the lesson of peace. Peace can not be assured if we ignore the fates of those less fortunate than ourselves. The world long doubted that camps such as Bergen-Belsen existed. If our outrage had grown stronger before 1945, millions might have been saved. We must maintain our sense of outrage at similar repression throughout the world today.

-- the message of hope carried by the process of healing which has taken place during the past forty years. Even in its darkest hour, mankind focussed on the need to tend the wounds and overcome hostilities among peoples.

It will be important to strike a balance between the lessons of the past and our vision for the future. The ceremony should be solemn in character and should not focus on current political issues. The message of hope can best be demonstrated through reference to individual acts of selfishness and courage which helped carry forth the healing process.

An especially moving way to stress the message of healing would be to invite 25-30 special guests, each of whom is related to the events of the camp and the postwar period. The invitees should not be major political figures, but rather "unsung heroes" who gave their time and energy to help begin the healing process. The group should be seated specially and individuals could be mentioned by the President in his remarks.

~~CONFIDENTIAL~~

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- 2 -

A proposed list of such persons is attached. It includes Germans, allies and Americans in the following categories:

- Wartime heroism and resistance within Germany;
- Camp inmates and other persecuted persons;
- US military who liberated the camps and occupation authorities;
- Private relief organizations and persons who exerted special efforts in the humanitarian field;
- German born Americans who worked either in private organizations or the occupation regime to help restore democracy;
- Germans, especially German Jews, who returned to Germany from exile after World War II to help rebuild their country.
- Current leaders of the Jewish community in Germany and the US, as well as representatives of Belsen inmates, who have an active organization.

Attachment:

List of possible invitees

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~POSSIBLE INVITEES OR PERSONS TO BE MENTIONEDResistance inside Germany

Mrs. Inge Aicher-Scholl: Sister of Heinz and Sophie Scholl, two Munich University students executed for their opposition to Hitler. The story is set forth in a book written by Mrs. Aicher-Scholl entitled The White Rose.

Axel von der Busche: German Army officer who strapped dynamite to his body with the intention of setting it off during an airplane flight with Hitler. Explosives failed to ignite. Busche was the first press attache at the German Embassy in Washington after World War II. He now lives part of the time in Maryland.

Ludwig von Hammerstein: An active member of the July, 1944 plot to kill Hitler. He was in the process of rounding up prisoners at the Bendlerstrasse (where the plot was being coordinated) when news came that Hitler was alive. Hammerstein used a secret exit to escape and lived in hiding in Berlin until the end of the war. He served for several years as German Director of RIAS, the US-run Radio in the American Sector of Berlin.

Fabian von Schlabrendorf: Berlin lawyer and reserve officer who was early opponent to Hitler. Was scheduled for execution in 1945, but was saved when US liberated the camp in which he was being held.

Heinrich Stahl: (deceased) head of the Jewish Community Bureau in Berlin. Saved lives of thousands of Jews until he was arrested in 1943. Presumably died in a concentration camp.

Gerd Bucerius: Retired publisher of Die Zeit, member of CDU. Helped protect Jews, including his Jewish wife, during the war. One of most influential German publishers after World War II. Lives in Hamburg.

-- Benno Reifenberg: (deceased) Publisher of pre-war Frankfurter Zeitung, strong opponent of Nazis. Helped found the Frankfurter Allgemeine Zeitung after World War II. His son, Jan Reifenberg, is correspondent for FAZ in Brussels, but spent 20 years working for his paper in Washington.

-- Axel Springer: Not a member of resistance, but has been a major force for democracy through his newspapers founded after World War II.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

- 2 -

Camp Inmates

--Erik Blumenfeld: Hamburg businessman, member of the CDU, former member of the Bundestag. Was interned in concentration camps during the war.

US Government Officials

--Paul Nitze

--Shepard Stone: Worked with German press after the war; was McCloy's chief of public information. Now head of Aspen Institute Berlin. Is one of best known Americans in Germany.

--Robert Lochner: Worked with Stone in licensing newspapers in Germany. Now runs center for journalists in Berlin.

--Benjamin Battenwieser: Was McCloy's deputy in Germany. Played important role in the early days of the Federal Republic.

--Sol Kagan: Worked at HICOG after the war. Now active in Jewish relief activities.

--Richard Schifter: Austrian born, lost both parents in concentration camp. Is at present Chief of the US delegation to the Ottawa Human Rights Meeting. A reference to his current role would create excellent tie in with the lessons of the Holocaust.

--Judge Simon Hirsch Rifkind: Former Federal judge, now practicing as attorney in New York. Was Eisenhower's personal advisor on matters concerning persecuted and displaced persons in 1945 and 1946. Did much to help persons in camps.

--Rabbi Judah Nadich: As a Chaplain on Eisenhower's staff in 1945-46, Nadich pushed hard to help refugees and displaced persons.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

- 3 -

German born American officials in Occupation

-- Henry Kissinger

-- Helmut Sonnenfeldt

-- Erich Rehfeldt: Worked with occupation in Germany. Has been with State Department for over 30 years. Now in EUR/RPM.

-- Professor Carl Friedrichs: (deceased) Eminent professor of history. Worked on revision of German constitution before establishment of Federal Republic.

-- Professor Max Reinstein: Berlin professor of comparative law. Served on faculty of University of Chicago for 40 years. Helped revised German legal code after the war.

-- Hans (Tom) Tuch: Born in Berlin, served in US Army during the war. Worked with USIA for thirty years, much of the time in Germany. Retired in January, 1985 as Minister-Counselor for Public Affairs in Bonn.

-- Gerry Gert: Born in Danzig. Career employee with USIA. Served as deputy director and director of RIAS for nearly 20 years.

Persons who Returned to Germany from Abroad

-- Erik Warburg: Celebrated 85th birthday on April 15. Member of Warburg banking family. Served in US Army during the war, returned to Hamburg to help rebuild family business. One of most active members of German-American organizations.

-- Herbert Weichmann: (deceased). Fled to New York. Returned to Hamburg after war and entered local politics. Was Mayor beginning in 1965. One of most respected SPD politicians.

Private Relief Organizations

-- American Quaker Committee: Did much to help feed German population after the war. Great individual effort.

-- Joint Distribution Committee: Sub-organization of the American Jewish Council. Helped with feeding and resettlement of concentration camp inmates.

-- Citizens Committee on Displaced Persons: Headed by Irving Engel of the AJC. Fought to help displaced persons settle in Israel and the United States.

-- World Federation of Bergen-Belsen Survivors: Has remained active continuously since liberation. Sponsors annual meetings, subsidizes the Belsen library and has worked for healing and reconciliation.

**DRAFT****CONFIDENTIAL**DECLASSIFIED
White House Guidelines, August 19, 1997
By MSP NARA Date 2/1/01

M37

3/2/01

President's Appearance at Bergen-BelsenSTRATEGY

The task is to establish the Bergen-Belsen appearance as the main event of the May 5 commemoration of World War II. By tailoring the organization, participation and content of the President's remarks to produce the highest profile media coverage, we should seek to consign the Bitburg visit to a secondary role.

A second task is to develop content for Bergen-Belsen which will meet the concerns of groups in the United States who are critical of the Bitburg visit. The goal should be to achieve a positive reaction to the President's treatment of the V-E day anniversary as a whole. The public conclusion should be that through his sensitive and eloquent appearance at Bergen-Belsen, the President counterbalanced any negative results of a visit to the German war cemetery.

SCENARIO

A possible way to achieve this goal would be to expand the scope of the Bergen-Belsen appearance beyond the holocaust itself. The message would be that in addition to being one of the most important moral lessons of our time, the Holocaust symbolizes the unbroken tasks of free men everywhere. One of the most important goals of our democratic system must be to ensure that conditions which led to the Holocaust can never again arise in Europe or elsewhere.

This goal was high on American minds as we went about the task of helping to rebuild Europe after World War II. We did not come as conquerers and we were not seeking revenge. Our task was to establish conditions which would allow democracy to flourish. Today's Western Europe -- including the Federal Republic of Germany -- demonstrates that we have been successful. A rebirth of conditions which led to the holocaust is unthinkable in today's FRG.

Unfortunately, the task is not complete. Repression, intolerance and mistreatment of minorities remain common in Eastern Europe and the Soviet Union. Postwar history has taught us that this repression can threaten the peace -- as in Berlin 1953, Budapest 1956, Prague 1968 and Warsaw 1981. Less than 100 miles from Belsen itself is an ugly border of concrete and steel where human beings are still being killed in expression of their rights.

- 2 -

The lesson of Bergen-Belsen is thus a lesson of peace. Peace cannot be assured under conditions of repression. Peace can also not be assured if we ignore the fates of those less fortunate than ourselves. The world long doubted that camps such as Bergen-Belsen existed. If our outrage had grown stronger before 1945, millions might have been saved. We must maintain our sense of outrage at similar repression throughout the world today.

METHOD

The President's remarks will be the main focus of public attention. However, the President's words can be supported by the way in which the ceremony is organized and by tailoring participation in the event.

-- Organization: Main remaining structures at Bergen-Belsen are a museum and a stone memorial. The President will be expected to visit the museum and then probably lay a wreath and make some remarks at the memorial.

Content of this simple program can be increased by including twenty five or thirty invited guests who represent the themes the President wishes to stress. The names of these persons can be published beforehand. One or two might be asked to speak, and reference to several of them and their accomplishments can be included in the President's remarks.

Additional content could be added by organizing a German-American discussion of the lessons of the Holocaust which could be attended by most or all of the invited guests on the morning of the President's visit. The discussions could be interrupted for the visit by the President and the Chancellor. One German and one American participant could be chosen to comment on the discussions.

-- Participants: The participants would be chosen according to the themes we wished to stress. A possible list would include:

- Wartime heroism and resistance within Germany;
- Camp inmates and other persecuted persons;
- US occupation authorities and their role in helping to rebuild Germany and Europe;
- Private relief organizations and persons who exerted special efforts in the humanitarian field;

-- German born Americans who worked either in private organizations or the occupation regime to help restore democracy;

-- Germans, especially German Jews, who returned to Germany from exile after World War II to help rebuild their country.

-- Current leaders of the Jewish community in Germany and the US, as well as representatives of Belsen inmates, who have an active organization.

A list of persons in the various categories is attached. Major personalities who could be invited include Elie Wiesel, Simon Wiesenthal, and leaders of the German Jewish community.

If it were decided to organize a conference, someone such as the German-born historian Fritz Stern might be invited to moderate.

Attachment:

List of possible invitees

POSSIBLE INVITEES OR PERSONS TO BE MENTIONEDResistance inside Germany

Mrs. Inge Aicher-Scholl: Sister of Heinz and Sophie Scholl, two Munich University students executed for their opposition to Hitler. The story is set forth in a book written by Mrs. Aicher-Scholl entitled The White Rose.

Axel von der Busche: German Army officer who strapped dynamite to his body with the intention of setting it off during an airplane flight with Hitler. Explosives failed to ignite. Busche was the first press attache at the German Embassy in Washington after World War II. He now lives part of the time in Maryland.

Ludwig von Hammerstein: An active member of the July, 1944 plot to kill Hitler. He was in the process of rounding up prisoners at the Bendlerstrasse (where the plot was being coordinated) when news came that Hitler was alive. Hammerstein used a secret exit to escape and lived in hiding in Berlin until the end of the war. He served for several years as German Director of RIAS, the US-run Radio in the American Sector of Berlin.

Fabian von Schlabrendorf: Berlin lawyer and reserve officer who was early opponent to Hitler. Was scheduled for execution in 1945, but was saved when US liberated the camp in which he was being held.

Heinrich Stahl: (deceased) head of the Jewish Community Bureau in Berlin. Saved lives of thousands of Jews until he was arrested in 1943. Presumably died in a concentration camp.

Gerd Bucerius: Retired publisher of Die Zeit, member of CDU. Helped protect Jews, including his Jewish wife, during the war. One of most influential German publishers after World War II. Lives in Hamburg.

-- Benno Reifenberg: (deceased) Publisher of pre-war Frankfurter Zeitung, strong opponent of Nazis. Helped found the Frankfurter Allgemeine Zeitung after World War II. His son, Jan Reifenberg, is correspondent for FAZ in Brussels, but spent 20 years working for his paper in Washington.

-- Axel Springer: Not a member of resistance, but has been a major force for democracy through his newspapers founded after World War II.

Camp Inmates

--Erik Blumenfeld: Hamburg businessman, member of the CDU, former member of the Bundestag. Was interned in concentration camps during the war.

--Josef Rosensaft: Inmate at Bergen-Belsen. Founder and director of the World Federation of Bergen Belsen Survivors.

US Government Officials

--Paul Nitze

--Shepard Stone: Worked with German press after the war; was McCloy's chief of public information. Now head of Aspen Institute Berlin. Is one of best known Americans in Germany.

--Robert Lochner: Worked with Stone in licensing newspapers in Germany. Now runs center for journalists in Berlin.

--Benjamin Bittenwieser: Was McCloy's deputy in Germany. Played important role in the early days of the Federal Republic.

--Sol Kagan: Worked at HICOG after the war. Now active in Jewish relief activities.

--Richard Schifter: Austrian born, lost both parents in concentration camp. Is at present Chief of the US delegation to the Ottawa Human Rights Meeting. A reference to his current role would create excellent tie in with the lessons of the Holocaust. I

--Judge Simon Hirsch Rifkind: Former Federal judge, now practicing as attorney in New York. Was Eisenhower's personal advisor on matters concerning persecuted and displaced persons in 1945 and 1946. Did much to help persons in camps.

--Rabbi Judah Nadich: As a Chaplain on Eisenhower's staff in 1945-46, Nadich pushed hard to help refugees and displaced persons. (many here)

Erik V. ...

British.

German born American officials in Occupation

-- Henry Kissinger

-- Helmut Sonnenfeldt

-- Erich Rehfeldt: Worked with occupation in Germany. Has been with State Department for over 30 years. Now in EUR/RPM.

-- Professor Carl Friedrichs: (deceased) Eminent professor of history. Worked on revision of German constitution before establishment of Federal Republic.

-- Professor Max Reinstein: Berlin professor of comparative law. Served on faculty of University of Chicago for 40 years. Helped revised German legal code after the war.

-- Hans (Tom) Tuch: Born in Berlin, served in US Army during the war. Worked with USIA for thirty years, much of the time in Germany. Retired in January, 1985 as Minister-Counselor for Public Affairs in Bonn.

-- Gerry Gert: Born in Danzig. Career employee with USIA. Served as deputy director and director of RIAS for nearly 20 years.

Persons who Returned to Germany from Abroad

-- Erik Warburg: Celebrated 85th birthday on April 15. Member of Warburg banking family. Served in US Army during the war, returned to Hamburg to help rebuild family business. One of most active members of German-American organizations.

-- Herbert Weichmann: (deceased). Fled to New York. Returned to Hamburg after war and entered local politics. Was Mayor beginning in 1965. One of most respected SPD politicians.

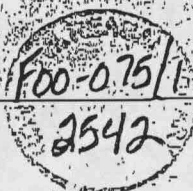
Private Relief Organizations

-- American Quaker Committee: Did much to help feed German population after the war. Great individual effort.

-- Joint Distribution Committee: Sub-organization of the American Jewish Council. Helped with feeding and resettlement of concentration camp inmates.

-- Citizens Committee on Displaced Persons: Headed by Irving Engel of the AJC. Fought to help displaced persons settle in Israel and the United States.

United States Information Agency



INFORMATION MEMO

~~CONFIDENTIAL~~

April 25, 1985

MEMORANDUM FOR : The Director

FROM : EU - John F. Kordek

SUBJECT : An Up-Date on European Attitudes toward the President's Visits to Bitburg and Bergen-Belsen

SUMMARY

European media today continue to play off American media reports criticizing the decision to go ahead with the Bitburg visit. Outside of Germany, public attitudes East and West oppose the symbolism of Bitburg.

WESTERN EUROPE

In France, continuing media interest is drawing public attention to the SS dead among the buried at Bitburg. The French view Bitburg as a very different sort of reconciliation with Germany's past than what Mitterand and Chancellor Kohl did at Verdun.

Press play in the FRG shows regret verging on self-pity for what the negative publicity is doing to Germany's image. Embassy officers have encountered latent antisemitic tendencies in the comments of some individual Germans, who have implied that the controversy is being fanned in the US by the Jewish eastern establishment.

Public opinion in the Benelux countries, Denmark and Norway, all occupied by the Germans in World War II, sympathizes with President Reagan's motive of reconciliation, but believe Bitburg to be an unacceptable symbol of that reconciliation.

In the UK, the White House's decision to visit Bitburg is diminishing confidence in the President's leadership. Citing former Chancellor Helmut Schmidt as its source, the UK's BBC World Service news reported this morning that the SS men buried at Bitburg belonged to a unit that had massacred American prisoners during the Battle of the Bulge.

~~CONFIDENTIAL~~

DECLASSIFIED Department of State Declass. July 21, 1997

CLASSIFIED BY: JOHN F. KORDEK
DECLASSIFY ON: OADR

By: [signature] Date: 3/9/01

[2]

~~CONFIDENTIAL~~EASTERN EUROPE

Private and official reaction in Yugoslavia and Poland to the Bitburg visit has been very, very negative. Usually pro-Western Yugoslavs cannot understand what they term the President's "insensitivity" to the European victims of Nazism. There has been little media treatment of Bitburg in the Yugoslav press so far. However, the Yugoslav media is expected to increase its coverage as the controversy becomes more active.

Poles, as well as the Polish Government, are outraged by the President's plans. In a break with the traditional popular distrust of communist news organs, it appears that the Poles agree with the official media's treatment of the issue. In effect, the Bitburg visit succeeds in doing to President Reagan what the Jaruzelski regime has failed to do over the past two years: turn the Polish people against the President. The official media is having a field day, quoting the ABC/Washington Post poll showing the majority of Americans opposed to the visit. US Embassy Warsaw reports this morning that Mark Edelman, former Deputy Commander in Warsaw's 1944 Jewish Ghetto Uprising (and now a Solidarity activist), has distributed copies to resident Western correspondents of a personal appeal to President Reagan not to visit the Bitburg cemetery.

~~CONFIDENTIAL~~

United States
Information
Agency

Office of the Director

3388 add m



USIA

~~CONFIDENTIAL~~

April 25, 1985

MEMORANDUM FOR: Robert C. McFarlane
Assistant to the President
For National Security Affairs

FROM: D - Charles Z. Wick *CW*

SUBJECT: European Attitudes and Foreign Media
Reaction to the planned Bitburg Visit

My European Area Director has just given me the following up-date on European attitudes towards the President's planned visit to the military cemetery in Bitburg. I believe this should be brought to your personal attention.

Additionally, attached is a special report of foreign media reaction to the planned Bitburg visit which you also may find of interest.

Department of State
By NARA NARA, D/SO 3/9/01 1997

CONFIDENTIAL

CLASSIFIED BY: CHARLES Z. WICK
DECLASSIFY ON: OADR

**United States
Information
Agency**

Office of the Director

3388 add-on

ADMINISTRATIVE



USIA

~~CONFIDENTIAL~~

April 26, 1985

MEMORANDUM FOR:

Robert C. McFarlane
Assistant to the President
For National Security Affairs
The White House

FROM

: D - Charles Z. Wick *CW*

SUBJECT

: Up-Date on European Attitudes toward the
President's Visit to Bitburg.

REFERENCE

: My April 25 Memorandum to you on the same
subject.

Attached is today's up-date report on European attitudes toward
the President's planned visit to the military cemetery in Bitburg.

~~CONFIDENTIAL~~

CLASSIFIED BY: CHARLES Z. WICK
DECLASSIFY ON: OADR

5/10/02

May __, 2002

OK
ay
Brett

Dear Congressman Shays:

I understand from the Office of Legislative Affairs and my staff that you have inquired about certain aspects of H.R. 4187, the "Presidential Records Act Amendments of 2002," and Executive Order 13233, 66 Fed. Reg. 56025 (Nov. 5, 2001). Thank you for taking the time to inquire. I thought it would be useful for me to summarize the Order and to address some questions about it.

President Bush issued Executive 13233 Order last November in order to establish policies and procedures governing consideration of the assertion of constitutionally based privileges in connection with the release of presidential records of prior administrations by the National Archives and Records Administration ("NARA") under the Presidential Records Act ("PRA"), 44 U.S.C. §§ 2201-2207. H.R. 4187 would purport to supersede President Bush's Order and put in its place congressionally prescribed procedures.

We respectfully suggest that much of the congressional concern underlying H.R. 4187 is based on a misunderstanding of the purpose and effect of the Executive Order. The Order establishes reasonable and appropriate procedures for review of documents and for privilege determinations to be made. The Order does *not* operate to preclude the release of any presidential records and *expressly* refrains from indicating whether and under what circumstances privileges should be asserted. In fact, the Order's most significant policy innovation is a pro-disclosure provision establishing that the incumbent President ordinarily will *not* object to the release of records authorized for release by the former President.

In practice thus far, moreover, the Executive Order has operated to facilitate the release of records. Pursuant to the terms of the Order, representatives of former President Ronald Reagan -- the only President whose presidential records are ready for release by NARA after expiration of the PRA's 12-year restricted access period -- reviewed the 68,000 pages of records that are ready for release, and on November 29, 2001, former President Reagan, through his representative, stated that he was not asserting constitutional privilege over any of the 68,000 pages. Since that time, representatives of President Bush have reviewed the records, and all but 150 of those 68,000 pages have been released.

Therefore, the procedures of the Order are working well. Presidential records are being released to the public in a timely manner, consistent with the review that the Constitution requires be available to the former and incumbent Presidents in order that they can determine whether to exercise their constitutional authority.

Some have expressed concern about time frames in the order. The order provides a 90-day time frame that ordinarily will apply to former Presidents as they or their representatives review records and decide to assert or waive any privileges. Given that

former Presidents often operate with skeletal staffs and given that the number of records subject to review can be voluminous (68,000 pages in the initial batch), we believe that this presumptive 90-day time frame is entirely sensible and appropriate as a matter of respect for former Presidents. As to the incumbent President's review, moreover, I can assure you that President Bush intends for review of records by the incumbent Administration to occur as expeditiously as possible consistent with the volume of any particular request. For example, in ordinary cases, we would not anticipate the actual review of records to take longer than approximately 45 days from the time the former President indicates his privilege decision. (Consideration whether to assert privilege as to certain specific records may require additional time for deliberation, of course.) The goal of the Order, in short, is to facilitate *expeditious* release of records consistent with the constitutional rights of former Presidents.

Much criticism directed at the Order has apparently been premised on the view that a *former* President should have no right to assert privileges over his presidential records. That criticism is unfounded because the Supreme Court has definitively held, in an opinion by Justice William Brennan, that both incumbent *and* former Presidents retain the right to assert constitutionally based privileges with respect to the presidential records of the former President. *See Nixon v. Administrator of General Services*, 433 U.S. 425 (1977). And the PRA expressly preserved the authority of former Presidents in this regard. *See* 44 U.S.C. § 2204(c)(2). We are disappointed that much of the commentary on the Order never addresses the Supreme Court's ruling or this provision of the PRA.

It bears emphasis that, as under the Freedom of Information Act, a denied requester can bring suit to challenge a privilege assertion any time that a former or incumbent President asserts a privilege. In other words, the courts will have the final word on the validity of any assertion of privilege. Neither the former nor the current President will possess unilateral authority to withhold records.

Other criticism of the Executive Order has suggested that the Order threatens Congress's exercise of its authority to seek presidential records in order to discharge its legislative responsibilities. This is incorrect. The only provision in the Order that is pertinent to congressional requests and subpoenas is section 6. That section is not intended to change the law in any way with respect to the legal effectiveness of congressional subpoena return dates, the practice of the executive and legislative branches of engaging in an accommodation process regarding congressional requests for privileged executive branch information, or the period of time that the Constitution requires a former or incumbent President be afforded in order to consider whether to assert a constitutionally based privilege. Section 6 merely sets forth the time periods that will generally apply to the reviews undertaken by former and incumbent Presidents in response to congressional requests for presidential records.

There also have been some questions raised about the fact that under the Executive Order a denied requester must initiate litigation against a former President who asserts a privilege, rather than requiring the former President who asserts a privilege to

sue the incumbent President's Administration to block release. The Supreme Court has held that former Presidents have the constitutional right to assert privileges over their records. If such a privilege is asserted, we believe it most appropriate for the requester who disagrees with the privilege assertion to proceed to court -- *just as the requester would do in ordinary FOIA litigation* -- rather than requiring the former President to take the extraordinary step of suing the incumbent President's Administration. As a practical matter, it is no more difficult for a requester to file suit when a former President asserts a privilege than for an unsuccessful requester to file an ordinary FOIA suit. Because this procedure is so common in the FOIA context, we think it is an entirely appropriate model for these purposes.

In short, Executive Order 13233 is faithful to the PRA and to the Supreme Court's case law; it sets out appropriate procedures that satisfy both the congressional purposes underlying the PRA and the constitutional prerogatives and interests of former and incumbent Presidents; and implementation of the Order is going well. There is no need for legislation concerning the Order.

At a minimum, we believe that Congress would benefit from examining the Order in operation before it considers attempting to change the procedures governing Presidential records in the post-12-year period. We intend to keep the Congress closely informed about our progress and any problems that we identify in the Act, the Executive Order, or the process with respect to Presidential records more generally.

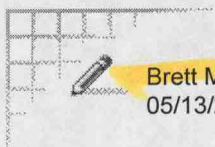
Thank you again for your interest in this important matter, and please do not hesitate to contact me with any questions.

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable Christopher Shays
U.S. House of Representatives
Washington, D.C. 20515

cc: The Honorable Stephen Horn
The Honorable Janice Schakowsky
Members of the Committee



Brett M. Kavanaugh
05/13/2002 01:41:56 PM

Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@EOP
cc: Elizabeth N. Camp/WHO/EOP@EOP
Subject: IMPORTANT: Draft letter to Congressman Shays

Judge: After our meeting Friday, we decided to do a letter to Shays. Note that much of this is same as previous letters, but this letter contains a representation re the time frames of review that adds to the EO. Leg Affairs may want to get this out today.



letter to shays 5 13 02.doc

May __, 2002

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Thank you again for your interest in this important matter, and please do not hesitate to contact me with any questions.

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable Christopher Shays
U.S. House of Representatives
Washington, D.C. 20515

cc: The Honorable Stephen Horn
The Honorable Janice Schakowsky
Members of the Committee

MARTHA JOYNT KUMAR

May 30th 2002

Dear Brett,

Thank you so much for
being such a good listener
and for your willingness to
see both the other side. We
appreciate the opportunity to
put in our case.

We look forward to a
constructive discussion. Warmly,
Martha

White House Counsel Judge Alberto R. Gonzales
The White House
Washington, D.C. 20500

May 29, 2002

Dear Judge Gonzales,

Thank you so much for meeting with us and for listening to our concerns. The May 23rd session we had with you and Associate Counsel Brett Kavanaugh was a positive one. During the meeting we stressed a half-dozen points in the meeting, which I would like to reiterate here. Those points are:

1. We are pleased that after reviewing some 68,000 pages of P-5 material in the Reagan papers the White House released all but a small fraction, withholding only 155 pages which may yet be released. We believe this underscores the professionalism and good judgment of the archivists at the Reagan Library and the representatives of the former President Reagan and hope this is a sign that future releases will be as comprehensive. The National Archives and the presidential libraries have substantial mechanisms to protect sensitive information falling into the categories of National Security and privacy claims. They were able to effectively use them in their reviews of the Reagan papers.
2. Speed in the release of the papers remains a crucial issue for us. As we said in the meeting, we believe it is important that the 90-day review period provided for by the administration be honored. With the enormous responsibility those in the Counsel's Office have for judicial nominations, ethics rules, vetting of all nominees, executive orders, and reviews of legislation, it is understandable that lawyers working there would find it difficult to get through such a large volume of material. Nevertheless, it is important that the Counsel's Office consider the other side: Waiting indefinitely for papers to be released - even if they are eventually released - can have the same effect as outright censorship. Vanderbilt University professor Hugh Davis Graham died before the papers he was seeking were released, even though he had requested them several years earlier. The papers now under review were ready for release in January 2001 having gone through reviews by the Reagan representatives and archivists working at the library. It has been 60 days since the 155 pages have been under review at the White House level and almost two years since they first were reviewed by the Reagan representatives and library archivists.
3. The delegation of authority to a family member to review papers for executive privilege claim is especially problematic for all of us. Our view - and the entire point of the Presidential Records Act - is that the papers of the President are public papers and to remain as such. They should stay in public hands for the review process and have a chain of custody that is kept for each document under review. Those reviewing papers for executive privilege claims should probably be public officials, preferably the Archivist of the United States. Family

members of those presidents having Deed of Gift libraries have had a history of family disagreements about papers. Moreover, the goal of the family members is often - and quite understandably - to protect the good name and reputation as well as their own image of the former President and not to provide the record of administration actions and decision making to historians, scholars, journalists, or even the American public.

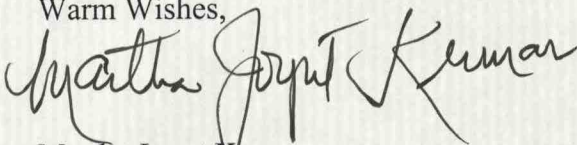
4. We also feel strongly that both the Presidential Records Act and recent tradition affords the Archivist a higher position than is contemplated by Executive Order 13233. Through it, the Archivist becomes just one more administration official. We submit that the legislation requiring the President to notify Congress the reasons for the Archivist's dismissal - and existing custom - hold that the Archivist is much more than that. The Archivist is the person responsible for the integrity of the records process, including maintaining and reviewing records. The job's very description contemplates that the Archivist is someone to be trusted and someone whose motives are not political. Again, we believe that the current review process affirms the effectiveness and honorable nature of the work done by library archivists.

5. We are convinced that by altering the burden of litigation by making scholars, rather than the former President, go to court over disputed documents will have the practical effect of weakening the judicial review process. We understand that the Administration patterned this language after existing Freedom of Information Act procedures, but most scholars pay their own way for research and few will be able to afford to hire a lawyer to contest assertions of executive privilege in court. And even if they could, publishing deadlines (even for scholarly books) can hardly accommodate the glacier-like pace of federal court litigation. In addition, we believe it is probably not desirable to have former presidents suing current presidents as the order provides. We see nothing wrong with a former President having to go to court to challenge a decision of the Archivist.

6. Finally, this brings us to a related concern: the executive order contemplates a sitting President deferring to the executive privilege claims of a former President. We suggest that this is backwards, that it is the currently elected President who has the most current understanding of what is privileged, as well as the higher constitutional prerogatives and responsibilities.

Again, thank you meeting with us and for being so receptive to our concerns. We look forward to continuing our discussion in future sessions with you and with Brett Kavanaugh.

Warm Wishes,



Martha Joynt Kumar



National Archives & Records Administration

to: Brett Kavanaugh
fax #: 202-456-5104
re: P5
date: 05/08/2002
pages: 3 Pages (including cover sheet).

FYI, I mentioned this letter in my voice mail to you. Also, Craig Blackwell stated that Scott Nelson plans to issue interrogatories by Friday, which will likely ask about this same thing. We are hoping to do a notice on the so-called 1500 in the next few weeks.

From the desk of...

Gary M. Stern
General Counsel
NARA
8601 Adelphi Road
College Park, MD 20740-6001
Telephone: 301-837-3026
Fax: 301-837-0293
Email: garym.stern@nara.gov

MAY-07-2002 16:27

PUBLIC CITIZEN

202 588 7795 P.02/03

PUBLIC CITIZEN LITIGATION GROUP1600 20TH STREET, N.W.
WASHINGTON, D.C. 20009-1001(202) 588-1000
FAX: (202) 588-7795SCOTT L. NELSON
(202) 588-7724
SNELSON@CITIZEN.ORG

May 7, 2002

By TelecopierGary M. Stern
General Counsel (NGC)
National Archives and Records
Administration
8601 Adelphi Road
College Park, MD 20740-6001

Re: Reagan Presidential Records

Dear Gary:

As I indicated in our telephone conversation this morning, I am writing to follow up on a question raised by my review of the documents provided in response to Bruce Craig's FOIA appeal (reference number 02-022). Specifically, I would like clarification of a passage in your November 14, 2001, letter to Joanne Drake.

In the third paragraph of the letter, following your reference to the February 28, 2001, and June 19, 2001, notices of NARA's intent to release the formerly restricted Reagan records, you state: "As we discussed on the phone, the records we are proposing for release do not include the approximately 1500 pages about which you expressed a concern last year, which we can address at a later time."

As I mentioned this morning, I have a number of questions about your reference to the 1500 pages of records that were not included in the 68,766 pages noticed for release. Were the 1500 pages culled from files that had been requested and opened by the Reagan Library prior to January 20, 2001? If so, were they withheld on the basis of the "P5" restriction or another of the 12-year restrictions? If not, are these 1500 pages from files that are the subject of other pending requests for the opening of Reagan records? Has NARA determined that these 1500 pages remain subject to a FOIA exemption following the expiration of the 12-year period? What does it mean to say that NARA can address these records "at a later time"?

We have so far been led to believe that the 68,766 pages that were noticed for release last year constituted all of the formerly restricted Reagan records that NARA had then identified that

MAY-07-2002 16:27

PUBLIC CITIZEN

PUBLIC CITIZEN LITIGATION GROUP

Gary M. Stern
May 7, 2002
Page 2

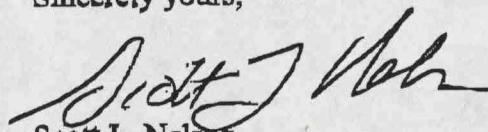
were no longer subject to statutory restriction under the PRA, and that the approximately 150 pages that are still under White House review are the only such Reagan records that have not yet been released (aside, of course, from records responsive to requests that are still being processed on an ongoing basis by the Reagan Library). The reference in your letter to the 1500 pages of records about which Ms. Drake had expressed "concern" raises a question in my mind about whether that is in fact the case. I am hopeful that you can clarify the meaning of the statement in your letter and explain the status of these 1500 pages.

I realize that my questions about these documents go beyond what I could reasonably expect to be answered in detail on the spur of the moment in a telephone conversation, but I hope that you can address them in response to this letter.

In case there is no currently pending request for access to these materials, I am simultaneously submitting a request to the Reagan Library on behalf of Public Citizen for access to them under the terms of the Presidential Records Act and the Freedom of Information Act.

Thank you for your assistance. I look forward to hearing from you.

Sincerely yours,



Scott L. Nelson



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2002-012)

April 23, 2002

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20500

Dear Judge Gonzales:

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open the following material.

Case Number	Request	Pages Re-Reviewed	Pages Remaining Restricted	Pages Proposed for Opening
2002-0639-S	Bush Vice Presidential records formerly restricted under P-2 and/or P-5	1142	257	885

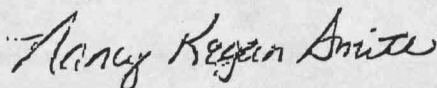
These documents were formerly closed under the PRA restrictions for "appointments to federal office," 44 U.S.C. §2204(a)(2), and/or "confidential communications...between the President and his advisers, or between such advisers," 44 U.S.C. §2204(a)(5). However, in accordance with the PRA, these restrictions expired on January 20, 2001. After that date, archivists undertook a systematic re-review of these documents. Of the material re-reviewed, 257 pages were determined to be properly exempt from release under provisions of the FOIA, 5 U.S.C. §552(b). The remaining 885 pages are no longer restricted from release. Therefore, NARA is proposing to open 845 pages of records previously restricted under 44 U.S.C. §2204(a)(5) and an additional 40 pages of records previously restricted under both 44 U.S.C. §2204(a)(2) and (5). These forty pages closed under both restriction categories are identified as such in the copies provided to your office.

All Bush Vice Presidential records that were reviewed and restricted from release under the applicable provisions of the Freedom of Information Act, 5 U.S.C. §552(b), remain closed and are not included in this notification. Therefore, we are continuing to withhold records from release that are appropriately subject to applicable FOIA exemptions, such as national security classified information, information restricted from release by statute, law enforcement information, and personal or private information.

The records cover a variety of topics and are located in the subject and alphabetical files maintained by the Office of the Vice President (OVP) or in various OVP staff and office files. A copy of all records proposed for release under this notice has been provided to your office. Please inform us at your earliest convenience of your decision with respect to any privilege claims. Pursuant to E.O. 13233, we are also concurrently informing former President Bush's representative, James W. Cicconi, and former President Reagan's representative, John Mintz, of our intent to release these records. NARA will not release the documents unless and until former Presidents Bush and Reagan and the incumbent President agree to authorize access to the records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,



NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

cc: Brett Kavanaugh
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel, Department of Justice
Gary M. Stern
General Counsel, National Archives and Records Administration
Doug Menarchik
Director, George Bush Library

May 23, 2002

Dear Mr. Stern:

This letter is to inform you that President George W. Bush will not assert a constitutionally based privilege as to the 845 pages of records of former Vice President George H.W. Bush about which you notified President Bush, former President Reagan, and former Vice President Bush on April 23, 2002, and which previously had been restricted for 12 years under 44 U.S.C. 2204(a)(5). We were informed on May 21, 2002, that neither former President Reagan nor former Vice President George H.W. Bush would assert a constitutionally based privilege over these 845 pages. Consistent with Executive Order 13233, we therefore ask that you make these 845 pages available to the public at the earliest practicable time. We are continuing to review the 40 pages of records related to appointments to Federal office that were previously restricted for 12 years under 44 U.S.C. 2204(a)(2) and (a)(5) and that were also covered by your April 23 notice.

Please do not hesitate to contact me or my staff with any questions.

Sincerely,

Alberto R. Gonzales
Counsel to the President

Mr. Gary Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740



National Archives & Records Administration

EXEC. OFF. PRESIDENT
COUNSEL TO THE PRESIDENT

2002 MAY 10 PM 5:43

facsimile

TRANSMITTAL

to: Alberto R. Gonzales
fax #: (202) 456-6279
re: Notification to Release Reagan Presidential records (NLMS 2002-011)
date: May 9, 2002
pages: [9 Pages (including cover sheet)].

From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov

National Archives and Records Administration



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2002-011)

May 9, 2002

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20500

Dear Judge Gonzales:

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open Reagan Presidential records in response to the Freedom of Information Act (FOIA) requests listed in Attachment A.

This material, consisting of 23,811 pages and 43 minutes of audio tape, has been reviewed for all applicable FOIA exemptions, resulting in a total of 158 pages restricted in whole or in part. Reagan Presidential records are no longer subject to closure under the Presidential restrictive categories of the PRA. However, it should be noted that the 23,653 pages proposed for opening in this notice contain no confidential communications requesting or submitting advice or other information that would normally have been withheld prior to January 20, 2001, under the PRA restrictions in 44 U.S.C. §2204(a), as they were asserted and narrowed by President Reagan.

Please note that NARA has previously notified the White House of our intent to release all 23,653 pages in this notification in accordance with E.O. 12667. In letters dated April 6, 2001, May 9, 2001, and July 11, 2001, NARA notified the incumbent President of our intent to release a total of 36,191 pages and 43 minutes of tape recordings. The records included in this current notification are from FOIA requests that contain no documents that would have been closed under PRA Presidential restrictive categories and contain no documents that have been declassified in whole or in part. The incumbent President made no decision with respect to these three notifications as issued under E.O. 12667. Therefore, in accordance with E.O. 13233, NARA is now providing notification of our intent to open this material.

A copy of all records proposed for release under this notice will be provided to you upon request. Please inform us at your earliest convenience of your decision with respect to any privilege claims. Pursuant to E.O. 13233, we are also concurrently informing former President Reagan's representative, Joanne Drake, of our intent to release these records. NARA will not release the documents unless and until former President Reagan and the incumbent President agree to authorize access to the records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

Nancy Kegan Smith

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosure

cc: Brett Kavanaugh
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel, Department of Justice
Gary M. Stern
General Counsel, National Archives and Records Administration
R. Duke Blackwood
Director, Ronald Reagan Library

ATTACHMENT A

<u>Case</u> <u>Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages</u> <u>Processed</u>	<u>Pages</u> <u>Restricted</u>	<u>Pages Proposed</u> <u>for Opening</u>
F00-137	Donald Critchlow	Phyllis Schlafly	712	15	697

This request pertains to Phyllis Schlafly, the Eagle Forum, and the Daughters of the American Revolution (DAR). The materials to be opened are from various WHORM: Subject Files and the files of Linda Arey, Miriam Bell, Mary Dewhirst, Patricia Hines, and Mary Elizabeth Quint. They include correspondence, scheduling and memos.

<u>Case</u> <u>Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages</u> <u>Processed</u>	<u>Pages</u> <u>Restricted</u>	<u>Pages Proposed</u> <u>for Opening</u>
F00-138	Donald Critchlow	Pornography & pro-family issues	2204	33	2171

This request pertains to selected files on pornography and the administration's attempts to pass legislation banning its sale. Also included are files on Gay/Lesbian rights, fetal experimentation, sex education, and the National Pro-Family Coalition. The majority of the material to be opened are from the files of Miriam Bell, Benedict Cohen, and Linda Arey.

<u>Case</u> <u>Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages</u> <u>Processed</u>	<u>Pages</u> <u>Restricted</u>	<u>Pages Proposed</u> <u>for Opening</u>
F01-042	Martha Derthick	CATO Institute	708	0	708

This request pertains to the CATO Institute. The material to be opened includes various invitations to conferences, invitations to speak at conferences, drafts of speeches, various newsletters from the CATO Institute and memoranda.

<u>Case</u> <u>Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages</u> <u>Processed</u>	<u>Pages</u> <u>Restricted</u>	<u>Pages Proposed</u> <u>for Opening</u>
F01-044	Martha Derthick	Selected Martin Feldstein folder	411	0	411

This request pertains to the folder titled "Memo to CEA Chairman from Bill Niskanen, Members, CEA" from the Martin Feldstein collection. The materials to be opened contain various edits and comments on papers regarding a variety of economic topics such as agriculture, product liability, wheat, and other commodities.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-053	Winifer Skattebol	Tappan Wilder	25	0	25

This request is for one folder regarding Tappan Wilder in the Chapman files. The material to be opened contains a brief note concerning a conference that Wilder attended and a program/list of attendees for the Liverpool Congress of Green Towns and Cities of US/UK, 1984.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F99-084/2	Daniel J.B. Mitchell	Gold Standard	2332	0	2332

This request pertains to the Gold Standard and its potential re-instatement. The materials to be opened are from various White House Staff and Office Files and include reports, memos, meeting minutes, correspondence, newspaper articles, briefing papers, press releases and fact sheets.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-028/1	Gareth Davies	Welfare Reform	471	11	460

This request pertains to selected folders in the collections of Martin Anderson, Office of Policy Development, Robert Carleson, Peter Germanis, and J. Upshur Moorhead relating to welfare reform, the Fairness Doctrine, and HHS Block Grants. The material to be opened includes news articles, memos, letters, reports, tables, briefing books, analyses of the working poor, the history of welfare, and the impact of Reagan administration proposals.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-031/1	Gerhard Peters	1982 State of the Union	2192	4	2188

This request pertains to the State of the Union message that the President gave on January 26, 1982. The material to be opened includes final speech copies, back-up speech copies, speech drafts, memos, research notes and other non-essential research material.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-043/1	Rick Wartzman	Minimum Wage	2433	0	2433

This request pertains to minimum wage decisions. The material to be opened includes seven volumes of the report of the Minimum Wage Study Commission located in the WHORM Subject File FG999. It also includes various memos, notes, talking points, and reports from the files of Bandow, Cribb, Crippen, Driggs, Hemel, Meese and Smith.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>A/V Processed</u>	<u>A/V Restricted</u>	<u>A/V Proposed For Opening</u>
F01-056	Grant Cameron	Judi Buchalew exit interview	43 min.	0	43 min.

This request pertains to the exit interview for Judi Buckalew. The cassette tape to be opened includes information concerning Buckalew's role in the Office of Public Liaison as Special Assistant to the President, including her work as liaison for health care, senior and youth groups.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed For Opening</u>
F01-058	Grant Cameron	Selected speech drafts	950	0	950

This request pertains to all drafts in Box 445 of the White House Office of Speechwriting: Speech Drafts collection. The speech drafts to be opened include Chamber of Commerce Luncheon & Drop-by Briefing for Bob Michel & Chamber of Commerce Reps from His District on May 2, 1988; Drop-by Seminar on Religious Rights in the USSR and Signing Ceremony for Asian Pacific American Heritage Week on May 3, 1988; and National Strategy Forum-Chicago on May 4, 1988. The material consists of various memos, drafts and notes.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-060	Christopher Kelley	Signing statements	119	0	119

This request pertains to the folder "Signing Statements" in the Christopher Cox collection. The material to be opened includes draft memos on Presidential signing statements, the completed memo for the President on Signing Statements, and various notes and memos containing edits.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-078	Ralph Weber	Presidential dictation	26	0	26

This request pertains to the transcripts of the Presidential Dictation tapes dated February 17, 1981, March 6, 1981, March 19, 1981, April 24, 1981, and April 27, 1981. The material to be opened includes transcripts of letters dictated by President Reagan to various individuals. Text not previously opened includes letters to H.M. McIntosh, Monica Meade, Buddy Ebsen, and J.N. (Jack) Swanson.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-083	Gareth Davies	Task Force on Food Assistance	487	4	483

This request pertains to the folders on the Presidential Task Force on Food Assistance from the Carleson, Meloy and Roberts collections. The material to be opened includes reports on various food

assistance programs like school lunches, food stamps, WIC, and others. It also includes memos from the above mentioned staff members concerning food assistance along with applications and background information for various members of the task force.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-084	Katherine O'Connell	Lew Wasserman	9	0	9

This request pertains to the Speech Research folder for the taping of the President's message for the Wassermans' on their 50th wedding anniversary. The material to be opened includes drafts of the speech with notes, the memo for the approved presidential activity and a Lexis-Nexis article on Lew Wasserman.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-087	Grant Cameron	Speech drafts for Schmitt	92	0	92

This request pertains to the folder titled "Reception: Senator Schmitt, Albuquerque, New Mexico (Parvin) 3/2/82" located in the Speech Drafts collection. The material to be opened includes a press release of the speech and drafts of the speech. Also, a folder in the Speech Research collection regarding the same speech was also processed. This includes a memo of presidential activity, working copies of the speech with edits, background information on Senator Schmitt, and a handwritten outline of the speech.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F99-084/3	Daniel J.B. Mitchell	Gold standard	2	0	2

This request pertains to one folder from the files of Kevin Hopkins, Special Assistant for Policy Information for the Office of Policy Development. The material to be opened includes a one-paged memorandum from Richard B. Wirthlin to Richard Richards dated November 11, 1981 and concerns a public opinion poll and the gold standard. The memo was received by the Office of Policy Development on November 17, 1981 and includes a chart of the poll's results.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-031/2	Gerhard Peters	1982 State of the Union	60	0	60

This request pertains to the President's 1982 State of the Union message. The material to be opened includes final speech copies, back-up speech copies, speech drafts, memos, research notes and other non-essential research material found in White House Office of Speechwriting: Speech Research files. It also includes a two-paged memo from Richard B. Wirthlin to Richard Richards dated December 14, 1981 concerning general issues on recent polls on whether or not Americans feel

better or worse in 1981 that they did a year ago and the reasons why. The memo has five pages of charts, graphs, and tables depicting these polls.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F00-140/1	Donald Critchlow	Abortion	6095	64	6031

The material to be opened pertains to meetings and other contacts with pro-life (anti-abortion) leaders and organizations, publications and lobbying activities by groups on either side of the abortion debate, information on federal funding for abortions (particularly through Medicare), abortion policy in China and other foreign countries, court decisions involving abortion, and proposed laws and constitutional amendments aimed at limiting abortions.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-088	Grant Cameron	Reagans' astrology use	2842	0	2842

This request pertains to the use of astrology in the White House by the Reagans. The material to be opened includes letters from private citizens voicing concerns about the use of astrology by the Reagans and the allegations of such use by Don Regan in his book. It also includes two FOIA requests made to the Reagan White House regarding the use of astrology; various press briefings from the President and Marlin Fitzwater on the same topic; and approximately 2500 press clippings regarding the topic.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-094	Grant Cameron	CPAC speech	905	27	878

This request pertains to the remarks that President Reagan made at the Conservative Political Action Conference dinner on February 11, 1988. The material to be opened contains press releases of the remarks, draft copies of the remarks, memoranda regarding the draft copies, various statistics used in compiling the speech drafts, and copies of quotes.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-096	David Barker	First Lady and Sheila Tate - Selected files	588	0	588

This request is for specific folders from the Office of the First Lady, First Lady Advance, First Lady Press Office, and the Sheila Tate collection. The material to be opened includes clippings about First Lady staff members Peter McCoy, Elaine Crispin, Jane Erkenbeck, Linda Faulkner, Cathy Fenton, Tish Baldrige, and Nancy Reynolds. It also includes memoranda regarding press office procedures, memoranda regarding a May 26, 1986 and a September 17, 1986 staff meeting, a discussion outline for a January 29, 1986 staff meeting, and memoranda regarding the Blair House renovations.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-111	David Marley	Freedom Council and Operation Blessing	128	0	128

This request pertains to the Freedom Council and Operation Blessing. The material to be opened includes memoranda, draft messages, and notes regarding the President's message that was to be read by Faith Whittlesey at the National Seminar of the Freedom Council. It also includes information from the Freedom Council.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-115	Scott McShaffrey	Federal labor-management relations	20	0	20

This request pertains to the implementation of Executive Order 12666 [Federal Labor-Management Relations]. The material to be opened includes memoranda, a letter to the President from Theodore Olson regarding the approval for and legality of the Executive Order, a fact sheet, a letter to the Attorney General from Michael Horowitz with the Office of Management and Budget approval of the Executive Order, a draft of the Executive Order, a court order on the American Federation of Government Employees v. President Jimmy Carter case [filed January 7, 1981], and a court order on the National Treasury Employees Union v. Ronald Reagan case [filed September 3, 1981].



National Archives & Records Administration

to: Brett Kavanaugh
fax #: 202-456-5104
re: Notices
date: 05/21/2002
pages: 3 Pages (including cover sheet).

Here are two letters from John Mintz.

Jim Ciccone responded orally to Nancy Smith and Amy Krupsky when they met with him last week.

Cc: Nancy Smith

From the desk of...

Gary M. Stern
General Counsel
NARA
8601 Adelphi Road
College Park, MD 20740-6001
Telephone: 301-837-3026
Fax: 301-837-0293
Email: garym.stern@nara.gov

JOHN A. MINTZ
ATTORNEY AT LAW
VIRGINIA AND WASHINGTON, D. C.
P.O. BOX 362, OAKTON, VA 22124
703-620-2537 FAX 703-620-0454

May 20, 2002

VIA FACSIMILE 301-837-0293

Gary Stern, Esq.

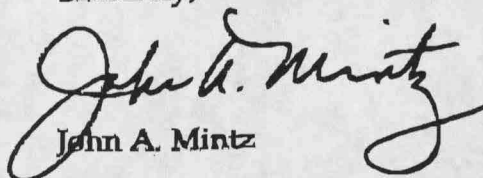
General Counsel

National Archives and Records Administration

Dear Mr. Stern:

In response Nancy Smith's letter of May 9, 2002 and to your inquiry of May 16, 2002, please be advised that, on behalf of former President Reagan, I may represent to you that our prior conclusions based upon our previous review of certain 23,653 pages and 43 minutes of audio tape pursuant to the provisions of E.O. 12667 are unchanged by the provisions of E.O. 13233 and we continue to offer no objection to the proposed release of these materials.

Sincerely,


John A. Mintz

cc: Joanne Drake
Nancy Smith

JOHN A. MINTZ
ATTORNEY AT LAW
VIRGINIA AND WASHINGTON, D. C.
P.O. BOX 362, OAKTON, VA 22124
703-620-2537 FAX 703-620-0454

May 20, 2002

VIA FACSIMILE 301-837-0293

Gary Stern, Esq.
General Counsel
National Archives and Records Administration

Dear Mr. Stern:

In response to formal notice by letter of April 23, 2002 from the National Archives and Records Administration of NARA's intent to open certain Bush Vice Presidential records formerly restricted under P-2 and/or P-5, we have reviewed the records as displayed by NARA on May 16, 2002.

On behalf of former President Reagan, I may represent to you that no claim of executive privilege is contemplated at this time as to any of those records.

Sincerely,


John A. Mintz

cc: Joanne Drake
Nancy Smith

**THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

DATE RECEIVED: 5/15/02

NAME OF CORRESPONDENT: Nancy Smith

SUBJECT: opening Reagan Presidential records

ROUTE TO:		ACTION		DISPOSITION		
OFFICE/AGENCY	(STAFF NAME)	ACTION CODE	DATE M/D/YR	TYPE RESP	C D	COMPLETED M/D/YR

CUGONZ	A	5/9/02	C	
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ACTION COMMENTS: _____

Brett	A			/ /
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ACTION COMMENTS: _____

		/ /		/ /
--	--	-----	--	-----

ACTION COMMENTS: _____

		/ /		/ /
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ACTION COMMENTS: _____

COMMENTS: _____

ADDITIONAL CORRESPONDENTS:

MEDIA:



National Archives & Records Administration

EXEC. OF C. PRESIDENT
COUNSEL TO THE PRESIDENT

2002 MAY 10 PM 5:43

facsimile

TRANSMITTAL

to: Alberto R. Gonzales
fax #: (202) 456-6279
re: Notification to Release Reagan Presidential records (NLMS 2002-011)
date: May 9, 2002
pages: [9 Pages (including cover sheet)].

From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
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National Archives and Records Administration



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE

(NLMS 2002-011)

May 9, 2002

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20500

Dear Judge Gonzales:

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open Reagan Presidential records in response to the Freedom of Information Act (FOIA) requests listed in Attachment A.

This material, consisting of 23,811 pages and 43 minutes of audio tape, has been reviewed for all applicable FOIA exemptions, resulting in a total of 158 pages restricted in whole or in part. Reagan Presidential records are no longer subject to closure under the Presidential restrictive categories of the PRA. However, it should be noted that the 23,653 pages proposed for opening in this notice contain no confidential communications requesting or submitting advice or other information that would normally have been withheld prior to January 20, 2001, under the PRA restrictions in 44 U.S.C. §2204(a), as they were asserted and narrowed by President Reagan.

Please note that NARA has previously notified the White House of our intent to release all 23,653 pages in this notification in accordance with E.O. 12667. In letters dated April 6, 2001, May 9, 2001, and July 11, 2001, NARA notified the incumbent President of our intent to release a total of 36,191 pages and 43 minutes of tape recordings. The records included in this current notification are from FOIA requests that contain no documents that would have been closed under PRA Presidential restrictive categories and contain no documents that have been declassified in whole or in part. The incumbent President made no decision with respect to these three notifications as issued under E.O. 12667. Therefore, in accordance with E.O. 13233, NARA is now providing notification of our intent to open this material.

A copy of all records proposed for release under this notice will be provided to you upon request. Please inform us at your earliest convenience of your decision with respect to any privilege claims. Pursuant to E.O. 13233, we are also concurrently informing former President Reagan's representative, Joanne Drake, of our intent to release these records. NARA will not release the documents unless and until former President Reagan and the incumbent President agree to authorize access to the records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,



NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosure

cc: Brett Kavanaugh
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel, Department of Justice
Gary M. Stern
General Counsel, National Archives and Records Administration
R. Duke Blackwood
Director, Ronald Reagan Library

ATTACHMENT A

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F00-137	Donald Critchlow	Phyllis Schlafly	712	15	697

This request pertains to Phyllis Schlafly, the Eagle Forum, and the Daughters of the American Revolution (DAR). The materials to be opened are from various WHORM: Subject Files and the files of Linda Arey, Miriam Bell, Mary Dewhirst, Patricia Hines, and Mary Elizabeth Quint. They include correspondence, scheduling and memos.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F00-138	Donald Critchlow	Pornography & pro-family issues	2204	33	2171

This request pertains to selected files on pomography and the administration's attempts to pass legislation banning its sale. Also included are files on Gay/Lesbian rights, fetal experimentation, sex education, and the National Pro-Family Coalition. The majority of the material to be opened are from the files of Miriam Bell, Benedict Cohen, and Linda Arey.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-042	Martha Derthick	CATO Institute	708	0	708

This request pertains to the CATO Institute. The material to be opened includes various invitations to conferences, invitations to speak at conferences, drafts of speeches, various newsletters from the CATO Institute and memoranda.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-044	Martha Derthick	Selected Martin Feldstein folder	411	0	411

This request pertains to the folder titled "Memo to CEA Chairman from Bill Niskanen, Members, CEA" from the Martin Feldstein collection. The materials to be opened contain various edits and comments on papers regarding a variety of economic topics such as agriculture, product liability, wheat, and other commodities.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-053	Winifer Skattebol	Tappan Wilder	25	0	25

This request is for one folder regarding Tappan Wilder in the Chapman files. The material to be opened contains a brief note concerning a conference that Wilder attended and a program/list of attendees for the Liverpool Congress of Green Towns and Cities of US/UK, 1984.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F99-084/2	Daniel J.B. Mitchell	Gold Standard	2332	0	2332

This request pertains to the Gold Standard and its potential re-instatement. The materials to be opened are from various White House Staff and Office Files and include reports, memos, meeting minutes, correspondence, newspaper articles, briefing papers, press releases and fact sheets.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-028/1	Gareth Davies	Welfare Reform	471	11	460

This request pertains to selected folders in the collections of Martin Anderson, Office of Policy Development, Robert Carleson, Peter Germanis, and J. Upshur Moorhead relating to welfare reform, the Fairness Doctrine, and HHS Block Grants. The material to be opened includes news articles, memos, letters, reports, tables, briefing books, analyses of the working poor, the history of welfare, and the impact of Reagan administration proposals.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-031/1	Gerhard Peters	1982 State of the Union	2192	4	2188

This request pertains to the State of the Union message that the President gave on January 26, 1982. The material to be opened includes final speech copies, back-up speech copies, speech drafts, memos, research notes and other non-essential research material.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-043/1	Rick Wartzman	Minimum Wage	2433	0	2433

This request pertains to minimum wage decisions. The material to be opened includes seven volumes of the report of the Minimum Wage Study Commission located in the WHORM Subject File FG999. It also includes various memos, notes, talking points, and reports from the files of Bandow, Cribb, Crippen, Driggs, Hemel, Meese and Smith.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>A/V Processed</u>	<u>A/V Restricted</u>	<u>A/V Proposed For Opening</u>
F01-056	Grant Cameron	Judi Buchalew exit interview	43 min.	0	43 min.

This request pertains to the exit interview for Judi Buckalew. The cassette tape to be opened includes information concerning Buckalew's role in the Office of Public Liaison as Special Assistant to the President, including her work as liaison for health care, senior and youth groups.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed For Opening</u>
F01-058	Grant Cameron	Selected speech drafts	950	0	950

This request pertains to all drafts in Box 445 of the White House Office of Speechwriting: Speech Drafts collection. The speech drafts to be opened include Chamber of Commerce Luncheon & Drop-by Briefing for Bob Michel & Chamber of Commerce Reps from His District on May 2, 1988; Drop-by Seminar on Religious Rights in the USSR and Signing Ceremony for Asian Pacific American Heritage Week on May 3, 1988; and National Strategy Forum-Chicago on May 4, 1988. The material consists of various memos, drafts and notes.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-060	Christopher Kelley	Signing statements	119	0	119

This request pertains to the folder "Signing Statements" in the Christopher Cox collection. The material to be opened includes draft memos on Presidential signing statements, the completed memo for the President on Signing Statements, and various notes and memos containing edits.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-078	Ralph Weber	Presidential dictation	26	0	26

This request pertains to the transcripts of the Presidential Dictation tapes dated February 17, 1981, March 6, 1981, March 19, 1981, April 24, 1981, and April 27, 1981. The material to be opened includes transcripts of letters dictated by President Reagan to various individuals. Text not previously opened includes letters to H.M. McIntosh, Monica Meade, Buddy Ebsen, and J.N. (Jack) Swanson.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-083	Gareth Davies	Task Force on Food Assistance	487	4	483

This request pertains to the folders on the Presidential Task Force on Food Assistance from the Carleson, Meloy and Roberts collections. The material to be opened includes reports on various food

assistance programs like school lunches, food stamps, WIC, and others. It also includes memos from the above mentioned staff members concerning food assistance along with applications and background information for various members of the task force.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-084	Katherine O'Connell	Lew Wasserman	9	0	9

This request pertains to the Speech Research folder for the taping of the President's message for the Wassermans' on their 50th wedding anniversary. The material to be opened includes drafts of the speech with notes, the memo for the approved presidential activity and a Lexis-Nexis article on Lew Wasserman.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-087	Grant Cameron	Speech drafts for Schmitt	92	0	92

This request pertains to the folder titled "Reception: Senator Schmitt, Albuquerque, New Mexico (Parvin) 3/2/82" located in the Speech Drafts collection. The material to be opened includes a press release of the speech and drafts of the speech. Also, a folder in the Speech Research collection regarding the same speech was also processed. This includes a memo of presidential activity, working copies of the speech with edits, background information on Senator Schmitt, and a handwritten outline of the speech.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F99-084/3	Daniel J.B. Mitchell	Gold standard	2	0	2

This request pertains to one folder from the files of Kevin Hopkins, Special Assistant for Policy Information for the Office of Policy Development. The material to be opened includes a one-paged memorandum from Richard B. Wirthlin to Richard Richards dated November 11, 1981 and concerns a public opinion poll and the gold standard. The memo was received by the Office of Policy Development on November 17, 1981 and includes a chart of the poll's results.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-031/2	Gerhard Peters	1982 State of the Union	60	0	60

This request pertains to the President's 1982 State of the Union message. The material to be opened includes final speech copies, back-up speech copies, speech drafts, memos, research notes and other non-essential research material found in White House Office of Speechwriting: Speech Research files. It also includes a two-paged memo from Richard B. Wirthlin to Richard Richards dated December 14, 1981 concerning general issues on recent polls on whether or not Americans feel

better or worse in 1981 that they did a year ago and the reasons why. The memo has five pages of charts, graphs, and tables depicting these polls.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F00-140/1	Donald Critchlow	Abortion	6095	64	6031

The material to be opened pertains to meetings and other contacts with pro-life (anti-abortion) leaders and organizations, publications and lobbying activities by groups on either side of the abortion debate, information on federal funding for abortions (particularly through Medicare), abortion policy in China and other foreign countries, court decisions involving abortion, and proposed laws and constitutional amendments aimed at limiting abortions.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-088	Grant Cameron	Reagans' astrology use	2842	0	2842

This request pertains to the use of astrology in the White House by the Reagans. The material to be opened includes letters from private citizens voicing concerns about the use of astrology by the Reagans and the allegations of such use by Don Regan in his book. It also includes two FOIA requests made to the Reagan White House regarding the use of astrology; various press briefings from the President and Marlin Fitzwater on the same topic; and approximately 2500 press clippings regarding the topic.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-094	Grant Cameron	CPAC speech	905	27	878

This request pertains to the remarks that President Reagan made at the Conservative Political Action Conference dinner on February 11, 1988. The material to be opened contains press releases of the remarks, draft copies of the remarks, memoranda regarding the draft copies, various statistics used in compiling the speech drafts, and copies of quotes.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-096	David Barker	First Lady and Sheila Tate - Selected files	588	0	588

This request is for specific folders from the Office of the First Lady, First Lady Advance, First Lady Press Office, and the Sheila Tate collection. The material to be opened includes clippings about First Lady staff members Peter McCoy, Elaine Crispen, Jane Erkenbeck, Linda Faulkner, Cathy Fenton, Tish Baldrige, and Nancy Reynolds. It also includes memoranda regarding press office procedures, memoranda regarding a May 26, 1986 and a September 17, 1986 staff meeting, a discussion outline for a January 29, 1986 staff meeting, and memoranda regarding the Blair House renovations.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-111	David Marley	Freedom Council and Operation Blessing	128	0	128

This request pertains to the Freedom Council and Operation Blessing. The material to be opened includes memoranda, draft messages, and notes regarding the President's message that was to be read by Faith Whittlesey at the National Seminar of the Freedom Council. It also includes information from the Freedom Council.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F01-115	Scott McShaffrey	Federal labor-management relations	20	0	20

This request pertains to the implementation of Executive Order 12666 [Federal Labor-Management Relations]. The material to be opened includes memoranda, a letter to the President from Theodore Olson regarding the approval for and legality of the Executive Order, a fact sheet, a letter to the Attorney General from Michael Horowitz with the Office of Management and Budget approval of the Executive Order, a draft of the Executive Order, a court order on the American Federation of Government Employees v. President Jimmy Carter case [filed January 7, 1981], and a court order on the National Treasury Employees Union v. Ronald Reagan case [filed September 3, 1981].

THE WHITE HOUSE

WASHINGTON

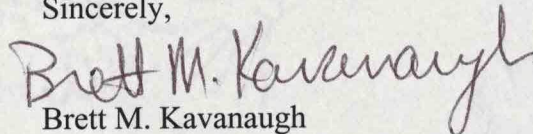
April 18, 2003

Dear Mr. Stern:

I write to establish a routine procedure for access by PFIAB staff members Randy Dietering, Catherine Lotrionte, Jane Baker, and Alison Massagli to PFIAB records governed by the Presidential Records and held by NARA, in accordance with 44 U.S.C. 2205(2)(B). I suggest that Catherine Lotrionte forward document retrieval requests to Nancy Smith, Director, Presidential Materials Staff (NLMS), who will be responsible for responding. After securing the permission of the former President's representative, copies of responsive records should be delivered to Ms. Lotrionte. Such copies shall retain the PRA status of the originating Administration. Ms. Lotrionte will ensure that such copies are used only as authorized and are destroyed or returned to NLMS when the immediate purpose of the request has been fulfilled. Ms. Lotrionte will ensure that no unauthorized access or disclosure occurs. Ms. Lotrionte will keep the Office of the Counsel to the President advised of all requests made pursuant to this letter.

If there are any questions about this request, please call me at 456-7984.

Sincerely,



Brett M. Kavanaugh
Associate Counsel to the President

Gary Stern
National Archives and Records Administration



National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

Date : July 25, 2002

Reply to

Attn of : Gary M. Stern, General Counsel

Subject : Task Force Record Status

To : Brett Kavanaugh, Associate Counsel to the President

The Department of Labor contacted NARA concerning the disposition of certain records in its possession created by the National Task Force on Employment of Adults with Disabilities. This Task Force was established by President Clinton under Executive Order 13078, as amended (attached), and was scheduled to issue its final report on July 26, 2002.

As is frequently the case, a question arises as to whether the Task Force records are governed by the Presidential Records Act (PRA) or the Federal Records Act (FRA)? A further, and more unusual, question arises as to whether, if governed by the PRA, are these then the records of the Bush Administration, the Clinton Administration, or possibly both (rarely do Presidential commissions, task forces, etc., carry over from one Administration to the next)?

As an outgrowth of the Task Force, the Department of Labor has created an office on disability issues, known as the Office of Disability and Employment Policy. The records at issue are ones the new office has determined it does not need. Because the Task Force is closing its office at the end of July, NARA has picked up the records pending resolution of their record status.

Based on our review of E.O. 13078 and our understanding of the functions and intent in establishing the Task Force, NARA believes that its records should be governed by the PRA. NARA also believes that the entire set of records can appropriately be treated as Bush Presidential records. However, given the unusual nature of this Task Force, NARA also believes that the Bush Administration could decide, at least, depending on the arrangement of this series, that the records, and reports, created during the Clinton Administration could be treated as Clinton Presidential records with the subsequent Bush President records going to the future Bush Library.

Accordingly, NARA believes that the White House should make the final call on the record status and disposition of these Task Force records. Please let us know at your earliest convenience how we should treat these records.

Thank you for your attention to this matter.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March 13, 1998

EXECUTIVE ORDER 13078

INCREASING EMPLOYMENT OF ADULTS WITH DISABILITIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to increase the employment of adults with disabilities to a rate that is as close as possible to the employment rate of the general adult population and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990, it is hereby ordered as follows:

Section 1. Establishment of National Task Force on Employment of Adults with Disabilities.

(a) There is established the "National Task Force on Employment of Adults with Disabilities" ("Task Force"). The Task Force shall comprise the Secretary of Labor, Secretary of Education, Secretary of Veterans Affairs, Secretary of Health and Human Services, Commissioner of Social Security, Secretary of the Treasury, Secretary of Commerce, Secretary of Transportation, Director of the Office of Personnel Management, Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, the Chairperson of the National Council on Disability, the Chair of the President's Committee on Employment of People with Disabilities, and such other senior executive branch officials as may be determined by the Chair of the Task Force.

(b) The Secretary of Labor shall be the Chair of the Task Force; the Chair of the President's Committee on Employment of People with Disabilities shall be the Vice Chair of the Task Force.

(c) The purpose of the Task Force is to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population. The Task Force shall develop and

recommend to the President, through the Chair of the Task Force, a coordinated Federal policy to reduce employment barriers for persons with disabilities. Policy recommendations may cover such areas as discrimination, reasonable accommodations, inadequate access to health care, lack of consumer-driven, long-term supports and services, transportation, accessible and integrated housing, tele-communications, assistive technology, community services, child care, education, vocational rehabilitation, training services, job retention, on-the-job supports, and economic incentives to work. Specifically, the Task Force shall:

- (1) analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities;
- (2) develop and recommend options to address health insurance coverage as a barrier to employment for people with disabilities;
- (3) subject to the availability of appropriations, analyze State and private disability systems (e.g., workers' compensation, unemployment insurance, private insurance, and State mental health and mental retardation systems) and their effect on Federal programs and employment of adults with disabilities;
- (4) consider statistical and data analysis, cost data, research, and policy studies on public subsidies, employment, employment discrimination, and rates of return-to-work for individuals with disabilities;
- (5) evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Task Force member agencies related to employment of adults with disabilities;
- (6) evaluate whether Federal studies related to employment and training can, and should, include a statistically significant sample of adults with disabilities;
- (7) subject to the availability of appropriations, analyze youth programs related to employment (e.g., Employment and Training Administration programs, special education, vocational rehabilitation, school-to-work transition, vocational education, and Social Security Administration work incentives and other programs, as may be determined by the Chair and Vice Chair of the Task Force) and the outcomes of those programs for young people

with disabilities;

(8) evaluate whether a single governmental entity or program should be established to provide computer and electronic accommodations for Federal employees with disabilities;

(9) consult with the President's Committee on Mental Retardation on policies to increase the employment of people with mental retardation and cognitive disabilities; and

(10) recommend to the President any additional steps that can be taken to advance the employment of adults with disabilities, including legislative proposals, regulatory changes, and program and budget initiatives.

(d) (1) The members of the Task Force shall make the activities and initiatives set forth in this order a high priority within their respective agencies within the levels provided in the President's budget.

(2) The Task Force shall issue its first report to the President by November 15, 1998. The Task Force shall issue a report to the President on November 15, 1999, November 15, 2000, and a final report on July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act of 1990. The reports shall describe the actions taken by, and progress of, each member of the Task Force in carrying out this order. The Task Force shall terminate 30 days after submitting its final report.

(e) As used herein, an adult with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity.

Sec. 2. Specific activities by Task Force members and other agencies.

(a) To ensure that the Federal Government is a model employer of adults with disabilities, by November 15, 1998, the Office of Personnel Management, the Department of Labor, and the Equal Employment Opportunity Commission shall submit to the Task Force a review of Federal Government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve Federal employment policy for adults with disabilities. This review shall include personnel practices and actions such as: hiring, promotion, benefits, retirement, workers' compensation, retention, accessible facilities, job accommodations, layoffs, and reductions in force.

(b) The Departments of Justice, Labor, Education, and Health and Human Services shall report to the Task Force by November 15, 1998, on their work with the States and others to ensure that the Personal Responsibility and Work Opportunity Reconciliation Act is carried out in accordance with section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, so that individuals with disabilities and their families can realize the full promise of welfare reform by having an equal opportunity for employment.

(c) The Departments of Education, Labor, Commerce, and Health and Human Services, the Small Business Administration, and the President's Committee on Employment of People with Disabilities shall work together and report to the Task Force by November 15, 1998, on their work to develop small business and entrepreneurial opportunities for adults with disabilities and strategies for assisting low-income adults, including those with disabilities to create small businesses and micro-enterprises. These same agencies, in consultation with the Committee for Purchase from People Who Are Blind or Severely Disabled, shall assess the impact of the Randolph-Sheppard Act vending program and the Javits-Wagner-O'Day Act on employment and small business opportunities for people with disabilities.

(d) The Departments of Transportation and Housing and Urban Development shall report to the Task Force by November 15, 1998, on their examination of their programs to see if they can be used to create new work incentives and to remove barriers to work for adults with disabilities.

(e) The Departments of Justice, Education, and Labor, the Equal Employment Opportunity Commission, and the Social Security Administration shall work together and report to the Task Force by November 15, 1998, on their work to propose remedies to the prevention of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act of 1990 because of the receipt of monetary benefits based on their disability and lack of gainful employment.

(f) The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Departments of Education and Health and Human Services, the National Council on Disability, and the President's Committee on Employment of People with Disabilities shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities as soon as possible, but no later than the date of termination of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.

(g) All executive agencies that are not members of the Task Force shall: (1) coordinate and cooperate with the Task Force; and (2) review their programs and policies to ensure that they are being

conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities. Each agency shall file a report with the Task Force on the results of its review on November 15, 1998.

Sec. 3. Cooperation. All efforts taken by executive departments and agencies under sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation with public and private sector employers, organizations that represent people with disabilities, organized labor, veteran service organizations, and State and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities.

Sec. 4. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
March 13, 1998.

Amendment to Executive Order 13078



Amendment to Executive Order 13078

As released by the White House, Office of the Press Secretary, October 25, 2000

By the authority vested in me as President by the Constitution and the laws of the United States, and in order to provide for improved access to employment and training for youth with disabilities, it is hereby ordered that Executive Order 13078 of March 13, 1998, is amended by adding to section 2 of that order the following new subsection to read as follows: "(h) To improve employment outcomes for persons with disabilities by addressing, among other things, the education, transition, employment, health and rehabilitation, and independent living issues affecting young people with disabilities, executive departments and agencies shall coordinate and cooperate with the Task Force to:

1. strengthen interagency research, demonstration, and training activities relating to young people with disabilities;
2. create a public awareness campaign focused on access to equal opportunity for young people with disabilities;
3. promote the views of young people with disabilities through collaboration with the Youth Councils authorized under the Workforce Investment Act of 1998;
4. increase access to and utilization of health insurance and health care for young people with disabilities through the formalization of the Federal Healthy and Ready to Work Interagency Council;
5. increase participation by young people with disabilities in postsecondary education and training programs; and
6. create a nationally representative Youth Advisory Council, to be funded and chaired by the Department of Labor, to advise the Task Force in conducting these and other appropriate activities."

WILLIAM J. CLINTON

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National Archives & Records Administration

facsimile

TRANSMITTAL

to: Brett Kavanaugh
fax #: (202) 456-5104
re: NLMS 2003-025
date: April 10, 2003
pages: [2 Pages (including cover sheet)].

From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov

National Archives and Records Administration



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2003-025)

April 10, 2003

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

This is in further reference to my letter dated April 7, 2003 providing you, on behalf of the incumbent President, with formal notice from the National Archives and Records Administration (NARA) of our intent to open 49 pages of Bush Presidential records.

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§ 2201-2207 and Executive Order 13233, we also informed former President Bush's representative, James W. Cicconi, of our intent to release these records. We have subsequently been informed by Mr. Cicconi that he has no objection to the release of this material.

Pursuant to E.O. 13233, NARA will await a decision from the incumbent President regarding the release of these records. We look forward to hearing the views of the incumbent President regarding this notification as soon as possible, hopefully within 45 days of this letter, which would be May 22, 2003.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

cc: Brett Kavanaugh
Associate Counsel to the President
Gary M. Stern
General Counsel, National Archives and Records Administration



National Archives & Records Administration

facsimile TRANSMITTAL

to: Brett Kavanaugh
fax #: (202) 456-5104
re: Notification of intent to release Bush Vice Presidential records (NLMS 2003-026)
date: April 10, 2003
pages: [4 Pages (including cover sheet)].

From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov

National Archives and Records Administration



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2003-026)

April 10, 2003

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open Bush Vice Presidential records in response to the Freedom of Information Act (FOIA) request listed in Attachment A.

This material, consisting of 14 pages, has been reviewed for all applicable FOIA exemptions, resulting in no pages restricted in whole or in part. Therefore, NARA is proposing to open all 14 pages in full. Bush Vice Presidential records are no longer subject to closure under the Presidential restrictive categories of the PRA. However, it should be noted that the material proposed for opening in this notice contains no confidential communications requesting or submitting advice or information relating to appointment to Federal office that would normally have been withheld prior to January 20, 2001, under the PRA restrictions in 44 U.S.C. §2204(a), as they were asserted and narrowed by President Bush.

A copy of all records proposed for release under this notice will be provided to you upon your request. Please inform us at your earliest convenience of your decision with respect to any privilege claims. Pursuant to E.O. 13233, we are also concurrently informing former President Bush's representative, James W. Cicconi, and former President Reagan's representative, John Mintz, of our intent to release these records. NARA will not release the documents unless and until former Presidents Bush and Reagan and the incumbent President agree to authorize access to the records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

Nancy Kegan Smith
NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosure

cc: Brett Kavanaugh
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel, Department of Justice
Gary M. Stern
General Counsel, National Archives and Records Administration
Doug Menarchik
Director, George Bush Library

ATTACHMENT A

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2001-1931-F	Peter Golden	Shoshana Cardin correspondence	14	0	14

This researcher requested material relating to correspondence from and to Shoshana S. Cardin, who served as Chairman of the Conference of Presidents of Major American Jewish Organizations, Chairman of the National Conference on Soviet Jewry, and President of the Council of Jewish Federations. The Bush Vice Presidential records to be opened consist of correspondence regarding a General Assembly of the Council of Jewish Federations' event in 1986, at which Vice President Bush was invited to speak. President Bush accepted this invitation and did speak at this event.

###

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF LEGAL COUNSEL
WASHINGTON, D.C. 20530**

FACSIMILE TRANSMISSION SHEET

DATE: 4/10/03

TO: Brett K.

OFFICE PHONE:

OFFICE FAX: 456-5104

FROM: M. Edward Whelan III
Principal Deputy Assistant Attorney General

OFFICE PHONE: (202) 514-2046

OFFICE FAX: (202) 514-0539

NUMBER OF PAGES: 2

REMARKS: Per e-mail

VT BY:Xerox Telecopier 7020 ; 5- 2-95 ; 17:48 ;

2024586423~

20251434521# 2

THE WHITE HOUSE

WASHINGTON

May 2, 1995

MEMORANDUM FOR THE HEADS OF ALL AGENCIES AND DEPARTMENTS

FROM:

ABNER J. MIKVA *ajm*
COUNSEL TO THE PRESIDENT

SUBJECT:

Hatch Act Reform Amendment to 18 U.S.C. § 603

In 1993, Congress amended 18 U.S.C. § 603, the provision pertaining to political contributions by federal employees to their employer or employing authority. The original provision had been interpreted by the Department of Justice as potentially prohibiting all executive branch employees from making political contributions to the re-election campaign committee of an incumbent President. The effect of the Hatch Act Reform Amendments of 1993 on this provision, 18 U.S.C. § 603(c), is to provide that civilian executive branch employees are no longer prohibited from making a political contribution to the re-election campaign committee of an incumbent President.

While all civilian executive branch employees now are permitted to contribute voluntarily to the President's re-election campaign committee, their political activity, including the making of a contribution, continues to be governed by the limitations imposed in 5 U.S.C. §§ 7323 and 7324. Thus, for example, federal employees may not, in most circumstances, knowingly solicit, accept or receive a political contribution. In addition, civilian executive branch employees -- excluding most employees who are Senate confirmed or paid from appropriations for the Executive Office of the President -- may not engage in political activity while on duty or in a federal building.

Your cooperation in disseminating this advice is greatly appreciated.

cc: General Counsels



National Archives & Records Administration

facsimile TRANSMITTAL

to: Brett Kavanaugh
fax #: (202) 456-5104
re: Notification of intent to search
date: March 21, 2003
pages: [7 Pages (including cover sheet)].

From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov

National Archives and Records Administration



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, D.C. 20408-0001

VIA FACSIMILE

March 21, 2003

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Re: *Rosner v. United States of America*

Dear Judge Gonzales:

This letter is in reference to the Court's Order in the above-captioned case, signed on March 5, 2003, and filed with the United States District Court, Southern District of Florida, requesting access to Clinton Presidential records made or received by the Presidential Advisory Commission on Holocaust Assets in the United States. Because the Order was issued by a court of competent jurisdiction, this request meets the requirements for exceptions to restricted access, 44 U.S.C. §2205(2)(A). A copy of the Court's Order and the accompanying motion are enclosed.

In accordance with the Presidential Records Act (PRA), 44 U.S.C. §§ 2201-2207 and Executive Order 13233, the National Archives and Records Administration (NARA) is giving you formal notification of our intent to search for responsive records within the records of the Commission, which are located in Little Rock, Arkansas. In the event that responsive records are located, we will again notify you so that you may have the opportunity to review the records for possible privilege claims pursuant to E.O. 13233.

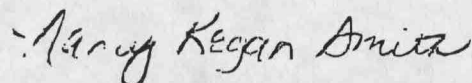
The Department of Justice has asked NARA to note the Judge's request, articulated at the February 26, 2003 hearing, that both President Clinton and President Bush conduct their review as expeditiously as possible after responsive records are located. As the enclosed motion also makes clear, the Judge and the parties are aware that access to these records are granted under the procedures of the PRA and E.O. 13233.

This letter is also a courtesy notice from NARA of our decision to make fifty-six cubic feet of Clinton Presidential records from the Commission publicly available. These records, totaling approximately 140,000 pages, were compiled by Commission researchers and are located in a separate file segment of the records created and received by the Commission during its work. They consist solely of copies of federal records that are already publicly available at NARA's facility in College Park, Maryland.

We have also notified Bruce Lindsey, former President Clinton's representative, of this Court Order and of our decision to release the fifty-six cubic feet of Presidential records of the Commission that are already available and in the public domain. He has indicated that he has no concern with making these fifty-six boxes of records publicly available.

If you have any questions or concerns about this request, please do not hesitate to contact me at (202) 501-5700 or Jeffrey Landou in the Office of General Counsel at (301) 837-1899.

Sincerely,



NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosure

cc: Brett Kavanaugh
Associate Counsel to the President
Jeffrey Landou
Assistant Counsel, National Archives and Records Administration

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 01-1859-CIV-SEITZ

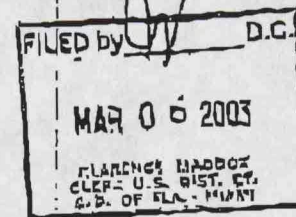
IRVING and ANA ROSNER, ANDREW and
IRENE TIBOR, DAVID and IRENE
MERMESTEIN, ETHEL and MARK KLEIN,
REGINA BASKIN, EDITH REINER,
LEOPOLD FETTMAN, MARLA SIMON, and
LASLOW SOKOLY, on behalf of themselves
and all others similarly situated.

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.



ORDER

Upon consideration of the foregoing Joint Motion for Access to Presidential Records ("Joint Motion"), and pursuant to 44 U.S.C. § 2205(2)(A), it is hereby:

1. ORDERED that the Joint Motion is GRANTED; and it is further

2. ORDERED that the Archivist of the United States shall grant counsel for the parties to this action access to all records of the Presidential Advisory Commission on Holocaust Assets in the United States ("Presidential Records") that can be located that pertain in any way to the "Hungarian Gold Train"/"Werfen Train" or its contents; the second so-called "Gold Train" which the United States seized near Spital am Pyhnm (east of Salzburg) or its contents; the French seizure of "Gold Train" property in Austria; or records from 1944 through 1955 pertaining to the American Joint Distribution Committee, the Jewish Agency for Palestine (or Israel), or the United Nations International Refugee Organization (or IGCR or PCIRO) that relate to the so-called "Hungarian Gold Train"/"Werfen Train" or its contents and/or the second so-called "Gold

69

Train" or its contents. All such located Presidential records shall be produced to or made available to the parties in this action for photocopying.² In no way does this Order alter the right of President Clinton or President Bush to restrict access to the documents as provided under Executive Order 13233 should either President choose to do so, nor does this Order alter the United States' right to assert a legal privilege that might preclude plaintiffs from obtaining access to a document; and it is further

3. ORDERED that the Presidential records shall be produced to or made available to plaintiffs' counsel; and it is further

4. ORDERED that any access granted to Presidential Records shall be subject to the provisions of Executive Order 13233; and it is further

5. ORDERED that defendant's counsel shall have 30 days upon being granted access to the Presidential records described herein to screen all of the records for responsiveness and privileged materials, and to assert any privileges. For every document that defendant contends is privileged, the defendant shall prepare a privilege log that in addition to identifying the privilege asserted, shall specify the name of the document, its subject line (if any), the date the document was created, the name and rank (if any) of the document's author, and all internal reference numbers. However, if the document is "classified" for national security purposes as of the date of this order, the privilege log will so note; such documents may be subject to assertion of the state secrets privilege. Further, if classified, the defendant is not required to disclose any classified information in the privilege log but shall be required to provide, to the extent it is consistent with national security, sufficient detail in the log to identify the document(s), the date created, and the subject matter discussed in the document; and it is further

² The National Archives' photocopying charges, to the extent that there are any, shall not apply. Instead, the United States shall copy all documents it wishes to copy at its expense and permit plaintiffs to make their own arrangements for photocopying the documents that they wish to have photocopied.

6. ORDERED that the Presidential records subject to this Order shall remain Presidential records not accessible to the public, and records obtained solely through this order may be used solely for purposes of this litigation. Furthermore, if the record is obtained solely from the Archivist (i.e., was not otherwise already in the public domain), and unless authority for the record's public release has been obtained, any filing of such record shall be under seal and shall, if referred to in any paper filed in this matter, be treated as confidential information protected by the parties from disclosure to any persons other than those directly assisting counsel in this litigation.

DONE AND ORDERED in Miami, Florida, on this 5th day of March, 2003.


PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc:

Magistrate Judge Ted E. Sandrea
1 Samuel J. Dubbin, Esq., Fax: 305-357-9050
5 H. Brent Walton, Esq., Fax: 204-623-0594
4 Jonathan Cuneo, Esq., Fax: 202-789-1813
7 Caroline Lewis Wolverton, Esq., Fax: 202-616-8202

MAR-13-2003 17:31

CIVIL DIV/FED PRO BR

202 616 8202

P.05

THE CUNEO LAW GROUP, P.C.
317 Massachusetts Avenue N.E., Suite 300
Washington, D.C. 20002
(202) 789-3960
(202) 789-1813 (Fax)

For Defendant:

ROBERT D. MCCALLUM, JR.
Assistant Attorney General

MARCOS DANIEL JIMENEZ
United States Attorney for
the Southern District of Florida

ROBYN HERMANN
Assistant U.S. Attorney
Florida Bar No. 0187968

VINCENT M. GARVEY
Deputy Branch Director

By *Caroline Lewis Wolverton*
CAROLINE LEWIS WOLVERTON
Florida Bar No. A5500447

U.S. Department of Justice
Civil Division
P.O. Box 883

Washington, D.C. 20044
Telephone: (202) 514-3336
Facsimile: (202) 616-8202

by SGO



National Archives & Records Administration

to Brett K.

Please handle -

avg

facsimile
TRANSMITTAL

to: Alberto R. Gonzales
fax #: (202) 456-6279
re: Notification of intent to release Bush Presidential records (NLMS 2003-021)
date: March 26, 2003
pages: [4 Pages (including cover sheet)].

Copies of the documents at Attachment B have been provided to Brett Kavanaugh only.

From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov

National Archives and Records Administration



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2003-021)

March 26, 2003

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open Bush Presidential records in response to the Freedom of Information Act (FOIA) request listed in Attachment A.

This material, consisting of 83 pages, was previously restricted from release under 44 U.S.C. §2204(a)(1) and/or 5 U.S.C. §552(b)(1). In accordance with sections 3.6 and 3.7 of Executive Order 12958, archivists at the George Bush Library returned copies of these documents to the originating and/or equity agencies for a classification review. These documents have subsequently been declassified in whole or in part by those agencies. Because these records no longer require closure under any of the six PRA Presidential restrictive categories that President Bush imposed or any applicable FOIA exemptions, NARA is proposing to open these 83 pages.

In order to fulfill the White House Counsel's Office request that NARA provide the incumbent President with document-level information about formerly classified material proposed for release as well as the agencies authorizing their declassification, copies of these Bush Presidential records can be found at Attachment B. Please inform us at your earliest convenience of your decision with respect to any privilege claims. We are also concurrently informing former President Bush's representative, James W. Cicconi, of our intent to release these records. Pursuant to E.O. 13233, NARA will not release the documents unless and until former President Bush and the incumbent President agree to authorize access to the records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosures

cc: Brett Kavanaugh
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel, Department of Justice
Gary M. Stern
General Counsel, National Archives and Records Administration
Doug Menarchik
Director, George Bush Library

ATTACHMENT A

<u>Case Number</u>	<u>Requester</u>	<u>Request Topic</u>	<u>Pages Proposed for Opening</u>
1998-0099-F/1	Allison Astorino-Courtois	Persian Gulf Conflict	83

###



National Archives & Records Administration

facsimile TRANSMITTAL

to: Brett Kavanaugh
fax #: (202) 456-5104
re: Notification of intent to release Bush Presidential records (NLMS 2003-024)
date: April 2, 2003
pages: [4 Pages (including cover sheet)].

Copies of the material declassified using White House and State Department guidelines will be delivered to your office today.

From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2003-024)

April 2, 2003

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open Bush Presidential records in response to the Freedom of Information Act (FOIA) request listed in Attachment A.

This material, consisting of 778 pages, has been reviewed for the six PRA Presidential restrictive categories that President Bush imposed and all applicable FOIA exemptions, resulting in 685 pages restricted in whole or in part. NARA is proposing to open the remaining 93 pages that do not require closure under 44 U.S.C. §2204. The records proposed for opening include 27 pages that were declassified by the Bush Library staff using White House declassification guidelines and eight pages that were declassified using Department of State declassification guidelines. A copy of these declassified documents is included at Attachment B.

A copy of all other records proposed for release under this notice will be provided to you upon your request. Please inform us at your earliest convenience of your decision with respect to any privilege claims. Pursuant to E.O. 13233, we are also concurrently informing former President Bush's representative, James W. Cicconi, of our intent to release these records. NARA will not release the documents unless and until former President Bush and the incumbent President agree to authorize access to the records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Kegan Smith".

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosures

cc: **Brett Kavanaugh**
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel, Department of Justice
Gary M. Stern
General Counsel, National Archives and Records Administration
Doug Menarchik
Director, George Bush Library

ATTACHMENT A

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2000-1389-F	Will Ferroggiaro	CFE and Moiseyev Meetings in 1991	778	685	93

This researcher requested materials relating to negotiations and meetings concerning Conventional Forces in Europe (CFE), which took place in March 1991, May 1991, and June 1991, and the related meeting between President Bush and USSR General Moiseyev on May 20, 1991. The Bush Presidential records to be opened include cover pages, cover memoranda, transmittal forms, cover notes, press guidance, correspondence, participant lists, schedule proposals, and press reports. Cover pages, cover memoranda, and transmittal forms are from the White House, National Security Council (NSC), or the State Department. Cover notes, by White House personnel, describe the routing procedures to be followed in sending a document. The press guidance provides White House staff with assistance in answering questions about the visit of General Moiseyev and the CFE negotiations. The correspondence is from a member of Congress concerning the CFE negotiations. The participant lists and schedule proposals concern the meeting between President Bush and General Moiseyev on May 20, 1991. The press report is an AFP report on the CFE negotiations. All of this material is from the National Security Council files of John Gordon and Heather Wilson. This material contains 27 pages that were declassified using White House guidelines and eight pages that were declassified using Department of State guidelines. Copies of these pages can be found at Attachment B.

###



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2003-012)

March 25, 2003

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open Bush Presidential records in response to the Freedom of Information Act (FOIA) requests listed in Attachment A.

Archivists located and processed 47,557 pages of Bush Presidential records as responsive to these requests. These records were reviewed for the six PRA Presidential restrictive categories that President Bush imposed and all applicable FOIA exemptions, resulting in a total of 2,790 pages restricted in whole or in part. NARA is proposing to open the remaining 44,767 pages that do not require closure under 44 U.S.C. §2204. Included in the material to be opened are two pages declassified in whole or in part using White House declassification guidelines and nineteen pages declassified in whole or in part using Department of State declassification guidelines. A copy of these documents is located at Attachment B.

A copy of all other records proposed for release under this notice will be provided to you upon your request. Please inform us at your earliest convenience of your decision with respect to any privilege claims. Pursuant to E.O. 13233, we are also concurrently informing former President Bush's representative, James W. Cicconi, of our intent to release these records. NARA will not release the documents unless and until former President Bush and the incumbent President agree to authorize access to the records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Kegan Smith".

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosures

cc: Brett Kavanaugh
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel, Department of Justice
Gary M. Stern
General Counsel, National Archives and Records Administration
Doug Menarchik
Director, George Bush Library

ATTACHMENT A

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2000-1251-F/02	Donald Fixico	Native American affairs	10,757	422	10,335

This researcher requested material relating to federal Native American/Indian policy. The Bush Presidential records to be opened include correspondence, memoranda, forms and printed material. Letters include public and congressional mail and outgoing form letters concerning White House appointments related to Native American/Indian policy. Among these letters are unsolicited recommendations of specific individuals for federal appointments. Also included in this collection of documents is routine correspondence between staff members of the Office of Intergovernmental Affairs, the Department of the Interior, and other government agencies concerning implementation of Bush administration policies related to Indian reservations, education, and disputes with the federal government. Final appointment memoranda, redacted personal data statements, and resume forms are for positions on the Indian Gaming Commission, the National Advisory Council on Indian Education, the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, and the White House Conference on Indian Education. Printed materials include news clippings and articles on the administration's stance on issues affecting Native Americans, reports and summaries from various Native American/Indian/Alaska Native boards and commissions, and Presidential proclamations designating National American Indian Heritage Week and Month.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2000-1291-F	Brad Anderson	Chase Untermeyer	34,100	2,221	31,879

The researcher requested materials relating to Chase Untermeyer, Richard Rainwater, Lee Bass, Sid Bass, Philip Uzielli, Executive Resources, and George Ohrstrom. The vast majority of this FOIA request contains materials relating to Charles G. (Chase) Untermeyer, who served as Assistant to the President and Director of Presidential Personnel. No material was found on the other search criteria, except for correspondence between Mrs. Sid Bass and Barbara Bush. This correspondence concerned an article by Jill Fairchild, a fundraiser for the New York Public Library, and a Literacy Lions dinner. The remainder of the Bush Presidential records to be opened consist of incoming and outgoing letters, memoranda, forms, and printed material. Letters include public and congressional mail and outgoing form letters concerning presidential appointments. There is also correspondence in support of and in opposition to statehood for Puerto Rico. Memoranda include routine information

for President Bush on final presidential appointments and delegation decisions. Also included are redacted personal data statements, resumes, and candidate recommendations from outside the administration for specific agencies, boards, commissions, and departments, as well as Senate confirmation reports. Printed material includes news clippings and articles about federal jobs and the federal appointment process as well as Chase Untermeyer and Andrew Card's trip to Puerto Rico. There are several published reports located in these files, including reports by the General Accounting Office, the President's Commission on Federal Ethics Law Reform, the National Committee on Public Service, and the President's Commission on the Federal Appointment Process. Press releases announcing appointment nominations are also found in this collection. In addition, there are Christmas greeting cards, Untermeyer speeches relating his experience working in the White House and on the federal appointment process, and invitations to White House state dinners and other functions. Programs are also found as part of this collection, including those for various performances at the Kennedy Center, lectures provided for White House staffers, and observances, such as the memorial service for Lee Atwater and naval officer flag ceremonies. This material contains two pages declassified using White House guidelines and nineteen pages declassified using Department of State guidelines. Copies of these pages can be found at Attachment B.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2001-1865-F	Michael Rcjobian	Files of Jeffrey Holmstead related to the Clean Air Act and EPA regulations	2,700	147	2,553

This FOIA request contains materials on the Clean Air Act Amendments (CAAA) of 1990. All of this FOIA collection is found in the files of Jeffrey Holmstead of the White House Counsels Office. The Bush Presidential records proposed for opening consist of incoming letters, memoranda, reports, and printed material. Letters include routine correspondence from organizations such as the Environment Defense Fund, the Utility Air Regulatory Group, National Environmental Development Association, and the American Paper Institute/National Forest Products Association supporting or opposing specific provisions of the CAAA. There are unsolicited recommendations for individuals being considered for different positions in the administration. Also included is correspondence between staff of the Environmental Protection Agency (EPA) and congressional committees regarding routine information requests. Memoranda discussing the implementation and enforcement of the provisions of the CAAA are also included. There are drafts of different legislative rules responsive to CAAA, their subsequent notices in the *Federal Register*, and public comments responsive to these notices. This collection also contains drafts of speeches concerning President Bush's environmental policy. Reports comparing the House and Senate CAAA bills and the Bush Administration's proposals based on detailed side-by-side and cost analyses are also included in this collection of documents. There is a compilation of mandated studies and research reports related to the Clean Air Act Amendments of 1990 and a summary of President Bush's regulatory reform initiative. There are also fact sheets and discussion materials concerning the Navajo Generating Station and its effect on Grand Canyon visibility. Printed materials include news clippings, articles, and editorials on the CAAA and President Bush's record on the environment from publications such as *Inside EPA*, the *Arizona Daily Star*, the *New York Times*, and the *Washington Post*.

###



National Archives & Records Administration

facsimile

TRANSMITTAL

to: Brett Kavanaugh
fax #: (202) 456-5104
re: Notification of intent to release Bush Presidential records (NLMS 2003-012)
date: March 25, 2003
pages: [5 Pages (including cover sheet)].

Copies of the documents at Attachment B will be delivered to your office tomorrow.

From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov

National Archives and Records Administration



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2003-012)

any (P) (S)

April 2, 2003

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

This is in further reference to my letter dated March 25, 2003 providing you, on behalf of the incumbent President, with formal notice from the National Archives and Records Administration (NARA) of our intent to open 44,767 pages of Bush Presidential records.

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§ 2201-2207 and Executive Order 13233, we also informed former President Bush's representative, James W. Cicconi, of our intent to release these records. We have subsequently been informed by Mr. Cicconi that he has no objection to the release of this material.

Pursuant to E.O. 13233, NARA will await a decision from the incumbent President regarding the release of these records. We look forward to hearing the views of the incumbent President regarding this notification as soon as possible, hopefully within 45 days of this letter, which would be May 17, 2003.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

Nancy Kegan Smith

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

cc: Brett Kavanaugh
Associate Counsel to the President
Gary M. Stern
General Counsel, National Archives and Records Administration



National Archives & Records Administration

facsimile TRANSMITTAL

to: Brett Kavanaugh
fax #: (202) 456-5104
re: NLMS 2003-012
date: April 2, 2003
pages: [2 Pages (including cover sheet)].

From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov

National Archives and Records Administration



National Archives & Records Administration

facsimile
TRANSMITTAL

to: Brett Kavanaugh
fax #: (202) 456-5104
re: Clearance for NLMS 2002-041
date: December 12, 2002
pages: [3 Pages (including cover sheet)].

Per your request.

From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov

National Archives and Records Administration

John Laster - RE: Per your voice mail

From: "Cicconi, James W - LGA" (b)(6)
To: "Nancy Smith" <nancy.smith@nara.gov>
Date: 11/08/2002 4:56 PM
Subject: RE: Per your voice mail
CC: "GaryM Stern" <garym.stern@nara.gov>, "John Laster" <John.Laster@nara.gov>

Nancy-
I have no objection to the release of documents outlined in the requests dated August 7, 2002 and Sept 30, 2002. Regards,

Jim Cicconi

.....Original Message.....

From: Nancy Smith [mailto:nancy.smith@nara.gov]
Sent: Monday, October 28, 2002 8:38 AM
To: Cicconi, James W - LGA
Cc: GaryM Stern; John Laster
Subject: Re: Per your voice mail

Jim:
Thank you. The new EO 13233 requires a reply. To facilitate that would you like us to send you an e-mail after some time period, like 30 days, and you can simply respond?
I will be in your home turf at the end of the week - Austin and then I am going at the beginning of next week to College Station.
Nancy

>>> "Cicconi, James W - LGA" (b)(6) 10/25/02 06:09PM >>>

Thanks, nancy.

I may have misunderstood and assumed the notices were informational. I've gone over all you've sent and don't recall any concern, but I'll look at them again on Mon to be sure. Thks.

Jim



OFFICE OF RONALD REAGAN

October 16, 2002

Dear Ms. Smith,

In response to your letter to me dated September 30, 2002, this will confirm that former President Ronald Reagan has no objection to your opening 467 pages of Bush Vice Presidential records in response to the following FOIA requests:

- * 2001-0221-F from Fred Pushies re: Vice President Bush's trip to Fort Bragg - 300 pages processed, 40 pages restricted, 260 total pages proposed for opening;
- * 2001-0827-F from Peter Wallsten re: Senator Jesse Helms (R-NC) - 150 pages processed, 0 pages restricted;
- * 2001-0871-F from Mark Padnos re: Katherine Graham, Pamela Harriman, and Sally Quinn - 22 pages processed, 0 pages restricted; and,
- * 2001-1450-F from Rick Wartzman re: Minimum Wage and the Fair Labor Standards Act - 35 pages processed, 0 pages restricted.

Thank you for your assistance on this matter.

Sincerely,

JOANNE DRAKE
Chief of Staff

Ms. Nancy Kegan Smith
Director
Presidential Materials Staff
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, D.C. 20408-0001

cc: John Mintz
Gary M. Stern
Duke Blackwood
Doug Menarchik



National Archives & Records Administration

facsimile TRANSMITTAL

to: Brett Kavanaugh
fax #: (202) 456-5104
re: NLMS 2002-019 and NLMS 2002-041
date: November 12, 2002
pages: [3 Pages (including cover sheet)].

From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2003-005)

December 4, 2002

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

This is in further reference to my letter dated November 15, 2002 providing you, on behalf of the incumbent President, with formal notice from the National Archives and Records Administration (NARA) of our intent to open 1,750 pages and 227 photo contact sheets of Reagan Presidential records in full and nine pages and four photo contact sheets of Reagan Presidential records in part.

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, we also informed former President Reagan's representative, Joanne Drake, of our intent to release these records. We have subsequently been informed by Ms. Drake that she has no objection to the release of this material. Pursuant to E.O. 13233, NARA will await a decision from the incumbent President regarding the release of these records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

cc: Brett Kavanaugh
Associate Counsel to the President
Gary M. Stern
General Counsel, National Archives and Records Administration

EXEC. OFC. PRESIDENT
COUNSEL TO THE PRESIDENT
2002 DEC -5 PM 12:30



National Archives & Records Administration

facsimile
TRANSMITTAL

to: Alberto R. Gonzales
fax #: (202) 456-6279
re: NLMS 2003-005
date: December 4, 2002
pages: [2 Pages (including cover sheet)].

From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov

National Archives and Records Administration



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2002-019)

November 12, 2002

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

This is in further reference to my letter dated August 7, 2002 providing you, on behalf of the incumbent President, with formal notice from the National Archives and Records Administration (NARA) of our intent to open 25,914 pages of Bush Presidential records.

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, we also informed former President Bush's representative, James W. Cicconi, of our intent to release these records. We have subsequently been informed by Mr. Cicconi that he has no objection to the release of this material.

~~Pursuant to E.O. 13233, NARA will await a decision from the incumbent President regarding the release of these records. If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.~~

Sincerely,

A handwritten signature in cursive script that reads "Nancy Kegan Smith".

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosure

cc: Brett Kavanaugh
Associate Counsel to the President



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2002-041)

November 12, 2002

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

This is in further reference to my letter dated September 30, 2002 providing you, on behalf of the incumbent President, with formal notice from the National Archives and Records Administration (NARA) of our intent to open 467 pages of Bush Vice Presidential records.

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, we also informed former President Bush's representative, James W. Cicconi, and former President Reagan's representative, Joanne Drake, of our intent to release these records. We have subsequently been informed by both Mr. Cicconi and Ms. Drake that they have no objection to the release of this material.

Pursuant to E.O. 13233, NARA will await a decision from the incumbent President regarding the release of these records. If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Kegan Smith".

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosure

cc: Brett Kavanaugh
Associate Counsel to the President



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA MESSENGER

(NLMS 2002-044)

September 30, 2002

Brett Kavanaugh
Associate Counsel to the President
White House Counsel's Office
The White House
Washington, D.C. 20500

Dear Mr. Kavanaugh:

This letter is in response to your special access request for on-going business of the President under the Presidential Records Act, 44 U.S.C. 2205(2)(B), dated September 23, 2002, for Clinton Presidential records pertaining to the appointment of Bruce Diven Judd as a member of the Advisory Council on Historic Preservation.

NARA has completed a search of its textual holdings from Clinton Presidential records. Also, we have searched the ARMS electronic mail records for the period January 1, 2000 through January 20, 2001. We have located approximately 19 pages of textual records and 116 pages of e-mail records responsive to this request.

Pursuant to Executive Order 13233, we have notified President Clinton's representative, Bruce Lindsey, and he has authorized the release of these 135 pages of material under the authority of the Presidential Records Act. A copy set of this material is enclosed. All records are being provided to your office under 44 U.S.C. 2205(2)(B) and retain their status as Clinton Presidential records.

If you have any questions relating to this request, please feel free to contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Kegan Smith".

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosure

cc: David Alsobrook
Director, Clinton Presidential Materials Project
Gary M. Stern
General Counsel, National Archives and Records Administration



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2003-008)

November 18, 2002

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open Bush Vice Presidential records in response to the Freedom of Information Act (FOIA) request listed in Attachment A.

This material, consisting of 12 pages, has been reviewed for all applicable FOIA exemptions, resulting in no pages restricted in whole or in part. Therefore, NARA is proposing to open all 12 pages in full. Bush Vice Presidential records are no longer subject to closure under the Presidential restrictive categories of the PRA. However, it should be noted that the material proposed for opening in this notice contains no confidential communications requesting or submitting advice or information relating to appointment to Federal office that would normally have been withheld prior to January 20, 2001, under the PRA restrictions in 44 U.S.C. §2204(a), as they were asserted and narrowed by President Bush.

A copy of all records proposed for release under this notice will be provided to you upon your request. Please inform us at your earliest convenience of your decision with respect to any privilege claims. Pursuant to E.O. 13233, we are also concurrently informing former President Bush's representative, James W. Cicconi, and former President Reagan's representative, John Mintz, of our intent to release these records. NARA will not release the documents unless and until former Presidents Bush and Reagan and the incumbent President agree to authorize access to the records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosure

cc: Brett Kavanaugh
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel, Department of Justice
Gary M. Stern
General Counsel, National Archives and Records Administration
Doug Menarchik
Director, George Bush Library

ATTACHMENT A

<u>Case</u> <u>Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages</u> <u>Processed</u>	<u>Pages</u> <u>Restricted</u>	<u>Pages Proposed</u> <u>for Opening</u>
2001-2005-F	Stephanie Eller	First Lady Lady Bird Johnson	12	0	12

This researcher requested material relating to First Lady Lady Bird Johnson. The Bush Vice Presidential records to be opened consist of correspondence between officials at the University of Texas and Vice President Bush concerning an invitation for the Vice President to serve as honorary co-chairman of the Steering Committee for the Walter Cronkite roast with Mrs. Johnson. Also proposed for opening are routine correspondence tracking forms.

###



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2003-008)

November 18, 2002

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open Bush Vice Presidential records in response to the Freedom of Information Act (FOIA) request listed in Attachment A.

This material, consisting of 12 pages, has been reviewed for all applicable FOIA exemptions, resulting in no pages restricted in whole or in part. Therefore, NARA is proposing to open all 12 pages in full. Bush Vice Presidential records are no longer subject to closure under the Presidential restrictive categories of the PRA. However, it should be noted that the material proposed for opening in this notice contains no confidential communications requesting or submitting advice or information relating to appointment to Federal office that would normally have been withheld prior to January 20, 2001, under the PRA restrictions in 44 U.S.C. §2204(a), as they were asserted and narrowed by President Bush.

A copy of all records proposed for release under this notice will be provided to you upon your request. Please inform us at your earliest convenience of your decision with respect to any privilege claims. Pursuant to E.O. 13233, we are also concurrently informing former President Bush's representative, James W. Cicconi, and former President Reagan's representative, John Mintz, of our intent to release these records. NARA will not release the documents unless and until former Presidents Bush and Reagan and the incumbent President agree to authorize access to the records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosure

cc: Brett Kavanaugh
Associate Counsel to the President
Paul Colborn
Office of Legal Counsel, Department of Justice
Gary M. Stern
General Counsel, National Archives and Records Administration
Doug Menarchik
Director, George Bush Library

ATTACHMENT A

<u>Case</u> <u>Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages</u> <u>Processed</u>	<u>Pages</u> <u>Restricted</u>	<u>Pages Proposed</u> <u>for Opening</u>
2001-2005-F	Stephanie Eller	First Lady Lady Bird Johnson	12	0	12

This researcher requested material relating to First Lady Lady Bird Johnson. The Bush Vice Presidential records to be opened consist of correspondence between officials at the University of Texas and Vice President Bush concerning an invitation for the Vice President to serve as honorary co-chairman of the Steering Committee for the Walter Cronkite roast with Mrs. Johnson. Also proposed for opening are routine correspondence tracking forms.

####



National Archives & Records Administration

facsimile TRANSMITTAL

to: Brett Kavanaugh
fax #: (202) 456-5104
re: Notification of intent to release Bush Vice Presidential records (NLMS 2003-008)
date: November 18, 2002
pages: [4 Pages (including cover sheet)].

From the desk...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2003-002)

November 15, 2002

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open Bush Presidential records in response to the Freedom of Information Act (FOIA) requests and PRA administrative appeal case listed in Attachment A.

Archivists located and processed 8,396 pages of Bush Presidential records as responsive to these requests. These records were reviewed for the six PRA Presidential restrictive categories that President Bush imposed and all applicable FOIA exemptions, resulting in a total of 488 pages restricted in whole or in part. NARA is proposing to open the remaining 7,908 pages that do not require closure under 44 U.S.C. §2204. Included in the material to be opened are four pages declassified in whole or in part using White House declassification guidelines. A copy of these documents is located at Attachment B.

A copy of all other records proposed for release under this notice will be provided to you upon your request. Please inform us at your earliest convenience of your decision with respect to any privilege claims. We are also concurrently informing former President Bush's representative, Jim Cicconi, of our intent to release these records. Pursuant to E.O. 13233, NARA will not release the documents unless and until former President Bush and the incumbent President agree to authorize access to the records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Kegan Smith".

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosures

cc: Brett Kavanaugh
Associate Counsel to the President

Paul Colborn
Office of Legal Counsel, Department of Justice
Gary M. Stern
General Counsel, National Archives and Records Administration
Doug Menarchik
Director, George Bush Library

ATTACHMENT A

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2001-0238-F	Roger Daniels	Japanese-American Internment	150	0	150

This researcher requested all material related to the internment and/or relocation of Japanese-Americans by the United States during World War II and the Civil Liberties Act of 1988 and Amendments thereto. The Bush Presidential records to be opened include memoranda related to the review and approval of the draft Presidential letter to accompany the Japanese-American redress payments as well as correspondence regarding those letters. Other material relates to information about the Civil Liberties Act Amendments of 1992 (H.R. 4551 and/or S. 2553) and the issue of capped entitlements, which specified the maximum monetary amount authorized for payment and guidelines for how government funds should be used to make these payments. Also present are transcripts of testimony or statements made by administration officials to Congressional subcommittees, including the comments of John Dunne, Assistant Attorney General of the Civil Rights Division at the Department of Justice, on H.R. 4551. Finally, these records include press releases regarding Bush's support for the Japanese-American Redress Bill, the text of public statements by President Bush concerning the signing of the Civil Liberties Act Amendments of 1992, and copies of various Congressional bills, including S. 2553.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2001-0827-F	Pcter Wallsten	Senator Jesse Helms (R-NC)	4250	348	3902

This researcher requested material relating to Senator Jesse Helms (R-NC). The Bush Presidential records to be opened consist of correspondence from Senator Helms to President Bush. In these letters, Helms expresses his views and concerns on a number of issues, including the economy, natural resources, and United States foreign policy, such as questions related to the Support for East European Democracy (SEED) Act of 1990. This material also includes mail from Helms' constituents that was forwarded to the White House for an appropriate response by an executive branch agency. These letters relate to various topics, including concerns about excessive regulation by the National Marine Fisheries Service, the Environmental Protection Agency's lack of responsiveness to the public, and the use of federal funds to support the National Endowment for the Arts. Other documents include notes and memoranda, including written requests for White House staff to review draft response letters to Senator Helms. Also located in these files are routine resumes and/or recommendations of individuals whom Helms supported for various positions, tracking coversheets, gift registers and letters of thanks for public gifts given to the President, as well as annual reports, such as the 1988 Martin Luther King, Jr. Federal Holiday Committee report. This material contains four pages declassified using White House guidelines. Copies of these pages can be found at Attachment B.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2001-0871-F	Mark Padnos	Katherine Graham, Pamela Harriman, and Sally Quinn	26	1	25

This researcher requested material concerning Katherine Graham, Pamela Harriman, and Sally Quinn. The Bush Presidential records to be opened include a letter from Katherine Graham to George Bush thanking him for his support for her and her successor, Don Graham. Also included are communications between Ms. Graham and the White House regarding a photograph signed by the President for an auction to benefit the Sharon Allen Leukemia Trust of London, thank you notes between Barbara Bush and Katherine Graham for various events, such as the March of Dimes Reading Champions Award Ceremony and the White House Christmas reception. Finally, this material includes a request for a quote for a *Washington Post* column and a request from Sally Quinn to Barbara Bush asking the First Lady to serve as the Honorary Chair of the Cirque du Soleil.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2001-1450-F	Rick Wartzman	Minimum Wage and Fair Labor Standards Act	3965	139	3826

This researcher requested material related to the Fair Labor Standards Act (FLSA) and the minimum wage. The Bush Presidential records to be opened include constituent mail received by the White House that states an opinion for or against an increase in the federal minimum wage and/or addresses various labor issues, such as whether the FLSA applies to state and local government employees. Also found are memoranda related to the scheduling of the Economic Policy Council meeting on February 7, 1989 and outlining historical background issues which were planned for discussion at this meeting. Other material includes letters to and from Congress, the White House, and the Department of Labor regarding the proposed legislation to increase the minimum wage, resolutions from state legislatures and city councils calling for the U.S. Congress to amend the FLSA, reports and statistics on the minimum wage, press releases regarding the President's minimum wage package, and copies of bills, such as the Fair Labor Standards Amendments of 1989.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2003-0057-A	Al Charty	Jeb Bush	5	0	5

This researcher appealed the closure of two documents that were processed in response to a FOIA request for records related to John Ellis (Jeb) Bush. These Bush Presidential records consist of a letter of thanks from President George Bush to Nigerian President Ibrahim Babangida and a cabled report from the American Embassy in Lagos, Nigeria to the Secretary of State regarding Jeb Bush's visit to Nigeria.

###



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

VIA FACSIMILE
(NLMS 2003-002)

November 15, 2002

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open Bush Presidential records in response to the Freedom of Information Act (FOIA) requests and PRA administrative appeal case listed in Attachment A.

Archivists located and processed 8,396 pages of Bush Presidential records as responsive to these requests. These records were reviewed for the six PRA Presidential restrictive categories that President Bush imposed and all applicable FOIA exemptions, resulting in a total of 488 pages restricted in whole or in part. NARA is proposing to open the remaining 7,908 pages that do not require closure under 44 U.S.C. §2204. Included in the material to be opened are four pages declassified in whole or in part using White House declassification guidelines. A copy of these documents is located at Attachment B.

A copy of all other records proposed for release under this notice will be provided to you upon your request. Please inform us at your earliest convenience of your decision with respect to any privilege claims. We are also concurrently informing former President Bush's representative, Jim Cicconi, of our intent to release these records. Pursuant to E.O. 13233, NARA will not release the documents unless and until former President Bush and the incumbent President agree to authorize access to the records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosures

cc: Brett Kavanaugh
Associate Counsel to the President

Paul Colborn

Office of Legal Counsel, Department of Justice

Gary M. Stern

General Counsel, National Archives and Records Administration

Doug Menarchik

Director, George Bush Library

ATTACHMENT A

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2001-0238-F	Roger Danicls	Japanesc-American Internment	150	0	150

This researcher requested all material related to the internment and/or relocation of Japanese-Americans by the United States during World War II and the Civil Liberties Act of 1988 and Amendments thereto. The Bush Presidential records to be opened include memoranda related to the review and approval of the draft Presidential letter to accompany the Japanese-American redress payments as well as correspondence regarding those letters. Other material relates to information about the Civil Liberties Act Amendments of 1992 (H.R. 4551 and/or S. 2553) and the issue of capped entitlements, which specified the maximum monetary amount authorized for payment and guidelines for how government funds should be used to make these payments. Also present are transcripts of testimony or statements made by administration officials to Congressional subcommittees, including the comments of John Dunne, Assistant Attorney General of the Civil Rights Division at the Department of Justice, on H.R. 4551. Finally, these records include press releases regarding Bush's support for the Japanese-American Redress Bill, the text of public statements by President Bush concerning the signing of the Civil Liberties Act Amendments of 1992, and copies of various Congressional bills, including S. 2553.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2001-0827-F	Peter Wallsten	Senator Jesse Helms (R-NC)	4250	348	3902

This researcher requested material relating to Senator Jesse Helms (R-NC). The Bush Presidential records to be opened consist of correspondence from Senator Helms to President Bush. In these letters, Helms expresses his views and concerns on a number of issues, including the economy, natural resources, and United States foreign policy, such as questions related to the Support for East European Democracy (SEED) Act of 1990. This material also includes mail from Helms' constituents that was forwarded to the White House for an appropriate response by an executive branch agency. These letters relate to various topics, including concerns about excessive regulation by the National Marine Fisheries Service, the Environmental Protection Agency's lack of responsiveness to the public, and the use of federal funds to support the National Endowment for the Arts. Other documents include notes and memoranda, including written requests for White House staff to review draft response letters to Senator Helms. Also located in these files are routine resumes and/or recommendations of individuals whom Helms supported for various positions, tracking coversheets, gift registers and letters of thanks for public gifts given to the President, as well as annual reports, such as the 1988 Martin Luther King, Jr. Federal Holiday Committee report. This material contains four pages declassified using White House guidelines. Copies of these pages can be found at Attachment B.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2001-0871-F	Mark Padnos	Katherine Graham, Pamela Harriman, and Sally Quinn	26	1	25

This researcher requested material concerning Katherine Graham, Pamela Harriman, and Sally Quinn. The Bush Presidential records to be opened include a letter from Katherine Graham to George Bush thanking him for his support for her and her successor, Don Graham. Also included are communications between Ms. Graham and the White House regarding a photograph signed by the President for an auction to benefit the Sharon Allen Leukemia Trust of London, thank you notes between Barbara Bush and Katherine Graham for various events, such as the March of Dimes Reading Champions Award Ceremony and the White House Christmas reception. Finally, this material includes a request for a quote for a *Washington Post* column and a request from Sally Quinn to Barbara Bush asking the First Lady to serve as the Honorary Chair of the Cirque du Soleil.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2001-1450-F	Rick Wartzman	Minimum Wage and Fair Labor Standards Act	3965	139	3826

This researcher requested material related to the Fair Labor Standards Act (FLSA) and the minimum wage. The Bush Presidential records to be opened include constituent mail received by the White House that states an opinion for or against an increase in the federal minimum wage and/or addresses various labor issues, such as whether the FLSA applies to state and local government employees. Also found are memoranda related to the scheduling of the Economic Policy Council meeting on February 7, 1989 and outlining historical background issues which were planned for discussion at this meeting. Other material includes letters to and from Congress, the White House, and the Department of Labor regarding the proposed legislation to increase the minimum wage, resolutions from state legislatures and city councils calling for the U.S. Congress to amend the FLSA, reports and statistics on the minimum wage, press releases regarding the President's minimum wage package, and copies of bills, such as the Fair Labor Standards Amendments of 1989.

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
2003-0057-A	Al Charty	Jeb Bush	.5	0	5

This researcher appealed the closure of two documents that were processed in response to a FOIA request for records related to John Ellis (Jeb) Bush. These Bush Presidential records consist of a letter of thanks from President George Bush to Nigerian President Ibrahim Babangida and a cabled report from the American Embassy in Lagos, Nigeria to the Secretary of State regarding Jeb Bush's visit to Nigeria.

###

ATTACHMENT B

PY

~~CONFIDENTIAL~~
NSC/S PROFILERECORD ID: 8902055
RECEIVED: 27 MAR 89 102001-0821-F
Doc #1

TO: HELMS, JESSE A

C. F.

058409

FROM: SCOWCROFT

DOC DATE: 08 APR 89

SOURCE REF:

FG006-06KEYWORDS: ARMS CONTROL
NCO

START

PERSONS: HELMS, JESSE A

SUBJECT: LTR RE US SOVIET ARMS CONTROL NEGOTIATIONS

ACTION: SCOWCROFT SGD LTR

DUE DATE: 30 MAR 89

STATUS: C

STAFF OFFICER: BROOKS

LOGREF:

FILES: WH

NSCIF:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTIONFOR CONCURRENCEFOR INFO
BLACKWILL
BROOKS
KANTER
LAMPLEY
MAHLEY
MANDEL
RICE
TOBEY

COMMENTS:

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSRCB

CLOSED BY: NSRCB

DOC 3 OF 3

~~CONFIDENTIAL~~DECLASSIFIED.
E.O. 12958, SEC 3.5(B)
DATE 7/12/01
DGC NARA, DATE 7/12/01

2001-0827-F
Doc #2~~CONFIDENTIAL~~
ACTION DATA SUMMARY REPORT

RECORD ID: 8902055

DOC ACTION OFFICERCAO ASSIGNED ACTION REQUIRED001 BROOKS
002 SCOWCROFT
003Z 89032710 PREPARE MEMO FOR SCOWCROFT
Z 89040420 FOR SIGNATURE
X 89041009 SCOWCROFT SGD LTRNational Security Council
The White House

PROOFED BY: _____

LOG #

2055

URGENT NOT PROOFED: _____

SYSTEM PRS NSC INT

BYPASSED WW DESK: _____

DOCLOG JC AIO _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
Bob Perito	_____	_____	_____
Philip Hughes	<u>1</u>	<u>SPB</u>	<u>A</u>
Bob Gates	<u>2</u>	<u>J</u>	<u>✓</u>
Brent Scowcroft	<u>3</u>	<u>J</u>	<u>✓</u>
Philip Hughes	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>4</u>	_____	<u>N</u>
NSC Secretariat	<u>5</u>	<u>RCB 4/6</u>	<u>D</u>
_____	_____	_____	_____
_____	_____	_____	_____

A = Action

I = Information

D = Dispatch

R = Retain

N = No further Action

cc: VP

Sununu

Other _____

COMMENTS

Should be seen by: _____

(Date/Time)

11:15

DECLASSIFIED
E.O. 12958, SEC 3.5(b)
WHITE HOUSE GUIDELINES, AUGUST 29, 1997
BY 16C
NARA DATE 7/12/01

~~CONFIDENTIAL~~
NSC/S PROFILE

2001-0827-F
RECORD ID: 9007610
RECEIVED: 25 SEP 90 14 Doc #3

TO: SCOWCROFT

FROM: JOHNSON
PRYCEDOC DATE: 25 SEP 90
SOURCE REF:KEYWORDS: GUYANA
CONGRESSIONAL

BARBADOS

PERSONS: HELMS, JESSE A
HUGHES, PHILIP G

JONES, GEORGE

SUBJECT: CALL TO SEN HELMS ON NOMINATIONS OF GEORGE JONES AS AMB TO GUYANA
& PHILIP HUGHES AS AMB TO BARBADOS

ACTION: SCOWCROFT APPROVED RECOM

DUE DATE: 28 SEP 90

STATUS: C

STAFF OFFICER: JOHNSON

LOGREF:

FILED WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTIONFOR CONCURRENCEFOR INFO
JOHNSON
NSC CHRON
PRYCECOMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSDAI

CLOSED BY: NSGLM

DOC 1 OF 1

~~CONFIDENTIAL~~

DECLASSIFIED
E.O. 12958, SEC 3.5(B)
WHITE HOUSE GUIDELINES, AUGUST 28, 1997
BY: DGC NARA, DATE 7/12/01

2001-0827-F

RECORD ID: 9007630

Doc # 4

~~CONFIDENTIAL~~
ACTION DATA SUMMARY REPORT

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 SCOWCROFT
001Z 90092614 FOR DECISION
X 90092621 SCOWCROFT APPROVED RECOM

BS — call Sam Helms re —
George Jones
National Security Council Philip Hughes
The White House

PROOFED BY: men

LOG #

7630

URGENT NOT PROOFED: _____

SYSTEM

(PRS)

NSC INT

BYPASSED WW DESK: _____

DOCLOG

24

A/O

	SEQUENCE TO	HAS SEEN	DISPOSITION
<u>Ken Hill</u>	<u>1</u>	<u>CH</u>	<u>J</u>
Bill Sittmann	<u>2</u>	<u>W</u>	
Bob Gates	<u>3</u>	<u>has seen</u>	
Brent Scowcroft	<u>4</u>	<u>✓</u>	
Bill Sittmann			
Situation Room			
West Wing Desk	<u>5</u>	<u>LMS 9/26</u>	<u>N</u>
NSC Secretariat	<u>6</u>	<u>9/26</u>	<u>N/P</u>

90 SEP 26 AID: 20

A = Action

I = Information

D = Dispatch

R = Retain

N = No further Action

cc: VP

Sununu

APNSA Has Seen

Should be seen by: _____

(Date/Time)

COMMENTS

DISPATCH INSTRUCTIONS:

DECLASSIFIED
E.O. 12958, SEC 3.5(B)
WHITE HOUSE GUIDELINES, AUGUST 28, 1997
BY D6C NARA, DATE 7/12/01



National Archives and Records Administration

700 Pennsylvania Avenue, NW
Washington, DC 20408-0001

Reagan

VIA FACSIMILE
(NLMS 2002-046)

November 18, 2002

The Honorable Alberto R. Gonzales
Counsel to the President
The White House
Washington, D.C. 20500

Dear Judge Gonzales:

In accordance with the requirements of the Presidential Records Act (PRA), 44 U.S.C. §§2201-2207 and Executive Order 13233, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open Reagan Presidential records in response to the Freedom of Information Act (FOIA) request listed in Attachment A.

This material, consisting of 14,958 pages, has been reviewed for all applicable FOIA exemptions, resulting in a total of 268 pages restricted in whole and 22 pages restricted in part. NARA is proposing to open 14,690 pages in full and 22 pages in part. Reagan Presidential records are no longer subject to closure under the Presidential restrictive categories of the PRA. However, it should be noted that the material proposed for opening in this notice includes 220 pages of documents containing confidential communications requesting or submitting advice or other information that would normally have been withheld prior to January 20, 2001, under the PRA restrictions in 44 U.S.C. §2204(a), as they were asserted and narrowed by President Reagan. A copy of these documents is included at Attachment B. Additionally, nine pages of the records proposed for opening were declassified by Reagan Library staff using Department of State declassification guidelines. A copy of these declassified documents is included at Attachment C.

Copies of all other documents proposed for release under this notice will be provided to you upon request. We are also concurrently informing former President Reagan's representative, Joanne Drake, of our intent to release these records. Please inform us at your earliest convenience of your decision with respect to any privilege claims. Pursuant to E.O. 13233, NARA will not release the documents unless and until former President Reagan and the incumbent President agree to authorize access to the records.

If you have any questions relating to this request, please contact me at (202) 501-5700 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,

Nancy Kegan Smith

NANCY KEGAN SMITH
DIRECTOR
Presidential Materials Staff

Enclosures

cc: Brett Kavanaugh

Associate Counsel to the President

Paul Colborn

Office of Legal Counsel, Department of Justice

Gary M. Stern

General Counsel, National Archives and Records Administration

R. Duke Blackwood

Director, Ronald Reagan Library

ATTACHMENT A

<u>Case Number</u>	<u>Requester</u>	<u>Topic</u>	<u>Pages Processed</u>	<u>Pages Restricted</u>	<u>Pages Proposed for Opening</u>
F97-054/5	David Welborn	Selected files from the Office of Legislative Affairs	14,958	268 in whole; 22 in part	14,690 in full; 22 in part

This request pertains to selected folders from the files of Kenneth Duberstein, Robert Kabel, and M.B. Oglesby, Jr., that pertain to their duties in the White House Office of Legislative Affairs. The records to be opened consist of material relating to a large array of issues involving the Reagan Administration's interactions with Congress between 1981 and 1986. This includes routine correspondence with members of Congress on various topics, routine information regarding proposed or pending legislation, requests for appointments, and requests for Presidential and Vice Presidential telephone calls to support various pieces of pending legislation. Also included are copies of legislation that were under consideration by Congress, reports on Congressional hearings and the testimony of various administration officials at those hearings, and memoranda regarding approaches taken by the Reagan Administration with executive agency officials and members of Congress in support of or opposition to legislation. Other records consist of memoranda that relate to appointment nominations by the President, legislative strategies employed by the Reagan Administration, and discussions concerning advice given by the Republican leadership in Congress. Finally, the chronological memoranda files maintained by these staff members in the Office of Legislative Affairs and processed for this FOIA request are generally routine in nature and document changes in various bills or relate to scheduling issues. This material contains 220 pages that would have been closed under restriction P-5 of the PRA prior to January 20, 2001. Copies of these pages can be found at Attachment B. It also includes nine pages declassified using Department of State guidelines. Copies of these pages can be found at Attachment C.

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National Archives & Records Administration

facsimile TRANSMITTAL

to: Brett Kavanaugh
fax #: (202) 456-5104
re: Notification of intent to release Reagan Presidential records (NLMS 2002-046)
date: November 18, 2002
pages: [4 Pages (including cover sheet)].

Copies of these documents will be delivered to your office today.

From the desk of...

Nancy Smith
Director
Presidential Materials Staff
700 Pennsylvania Avenue, NW
Washington, D.C. 20408
Telephone: (202) 501-5700
Fax: (202) 501-5709
Email: nancy.smith@nara.gov