

National Archives



Washington, DC 20408

94 MAR 1 10:33

February 28, 1994

The Honorable John Podesta
Assistant to the President and
Staff Secretary
The White House
Washington, D.C. 20500

*file
Archives*

Dear Mr. Podesta:

The National Archives has invited the President and the First Lady to participate in the dedication of its new facility in College Park, Maryland. Dates available are May 10-12, 17, 18, and we are eagerly awaiting a response from the schedulers.

I thought in the meanwhile, you would enjoy seeing pictures of this state-of-the-art archival complex and of the President's name inscribed on its cornerstone. Archives II is the first large-scale federal structure to be honored in this manner.

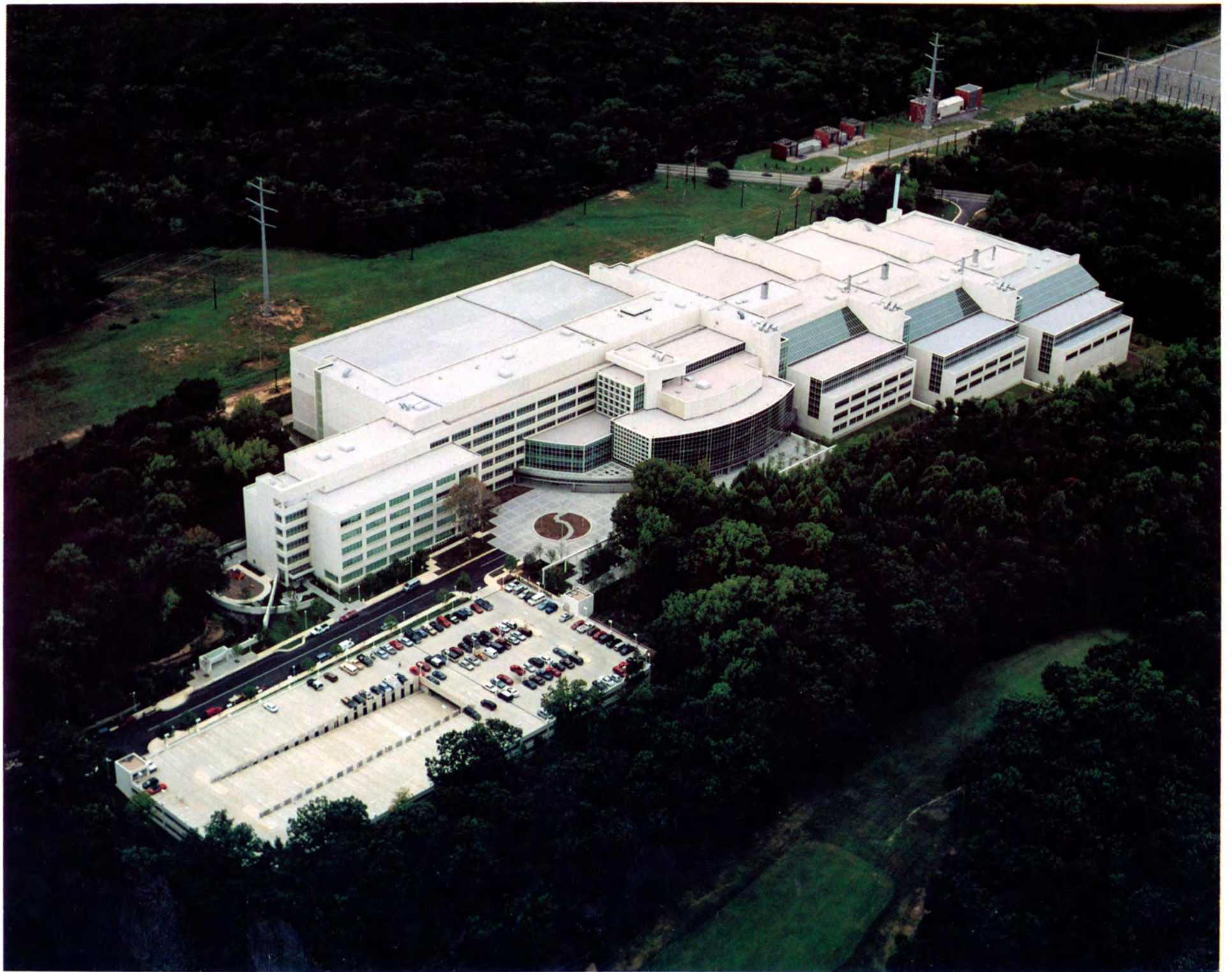
I'll be sure to let you know when we have a date for the dedication so that you may plan to attend.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Brian Thompson".

BRIAN C. THOMPSON
White House Liaison

Enclosures



UNITED STATES OF AMERICA

**WILLIAM J. CLINTON
PRESIDENT**

1993

NEWS RELEASE

FOR IMMEDIATE RELEASE

September 6, 1994

National Archives Makes Available Records of the White House Health Care Interdepartmental Working Group

College Park, MD . . . On Wednesday, September 7, 1994, at 8:45 A.M., at the National Archives at College Park, Maryland, the National Archives and Records Administration (NARA) will make available to the public Clinton Presidential records that were generated or received by the White House Health Care Interdepartmental Working Group. The National Archives at College Park (Archives II) is located at 8601 Adelphi Road.

The interdepartmental working group materials will remain at Archives II for at least 60 days, following which they will be relocated to the National Archives downtown building in Washington, DC, where they will continue to be available upon request through the Central Research Room. The downtown building is located on Pennsylvania Avenue, between 7th and 9th Streets, NW.

These materials are the records of the incumbent President as specified in the Presidential Records Act of 1978. However, the President has elected to open them at this earlier time.

In light of the public interest in early release of these records, NARA will make the materials available in the state they are received when physical custody is transferred to NARA by the White House Office of Records Management on September 6.

The records will be in the custody of NARA's Office of Presidential Libraries, which has ongoing responsibility for Clinton Presidential records. This office will protect and ensure preservation of these materials according to standard archival practice. Information contained on computer disks generated or received by the interdepartmental working group will be made available as it is reviewed. The original disks are in the custody of NARA.

Research hours at the National Archives at College Park are 8:45 A.M. to 5 P.M. Monday and Wednesday; 8:45 A.M. to 9 P.M. Tuesday, Thursday and Friday; and 8:45 A.M. to 4:45 P.M. on Saturday.

(MORE)

All researchers must register for a research card. Personal property (i.e., notebooks, briefcases, purses, flash cameras or pens) are not allowed in the research room. Lockers are available. Debit cards can be purchased for the photocopying machines. Time limits may be imposed on the use of photocopy machines. Videocameras, cameras without flash and optical scanners must be approved for use in the research room.

DIRECTIONS: Archives II is located at 8601 Adelphi Road.

BY CAR the new facility is approximately 40 minutes from downtown Washington, DC. Take North Capitol Street north, turn right onto Michigan Avenue, (Michigan Avenue becomes Queens Chapel Road in Maryland), continue to East West Highway, turn left on Adelphi Road and follow it to the Archives II entrance on the right. Parking is available.

BY SHUTTLE from the National Archives in Washington, DC, board the bus on 7th Street between Pennsylvania and Constitution Avenues. The shuttle leaves on the hour from 8 A.M. to 4 P.M., returning to the downtown building from Archives II on the hour. Researchers may use the shuttle on a space available basis with National Archives staff members receiving priority boarding.

BY METRO take the Green Line to the Prince Georges Plaza station. A National Archives shuttle bus departs from the Metro hourly, every 15 minutes after the hour.

For PRESS information about research and debit cards, please contact the National Archives Office of Public Affairs at (202) 501-5525. For additional information on the interdepartmental working group and the processing of the records, please contact Lorrie McHugh at (202) 456-2566 at the White House.

* * * *

THE WHITE HOUSE
WASHINGTON

July 12, 1994

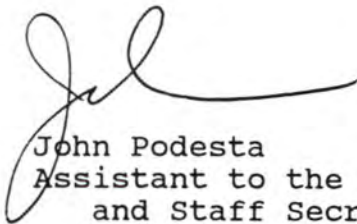
Mr. Stephen M. Blitz
Gibson, Dunn & Crutcher
2029 Century Park East
Los Angeles, CA 90067-3026

Dear Steve:

I have received your suggestions regarding the Archives Processing Manual for Presidential Libraries.

We are carefully reviewing your comments and will get back to you as soon as possible. Thank you for your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to be 'JP', with a long horizontal flourish extending to the right.

John Podesta
Assistant to the President
and Staff Secretary

THE WHITE HOUSE
WASHINGTON

DATE: 7-12-94

TO: *John Podesta*
Marvin Krislov
FROM: White House Counsel
Room 128, OEOB, x7900/3

- ☐ FYI
- ☐ Appropriate Action
- ☐ Let's Discuss
- ☐ Per Our Conversation
- ☐ Per Your Request
- ☐ Please Return
- ☒ Other *corrections +*
Changes made

THE WHITE HOUSE

WASHINGTON

July 12, 1994

Mr. Stephen M. Blitz
Gibson, Dunn & Crutcher
2029 Century Park East
Los Angeles, CA 90067-3026

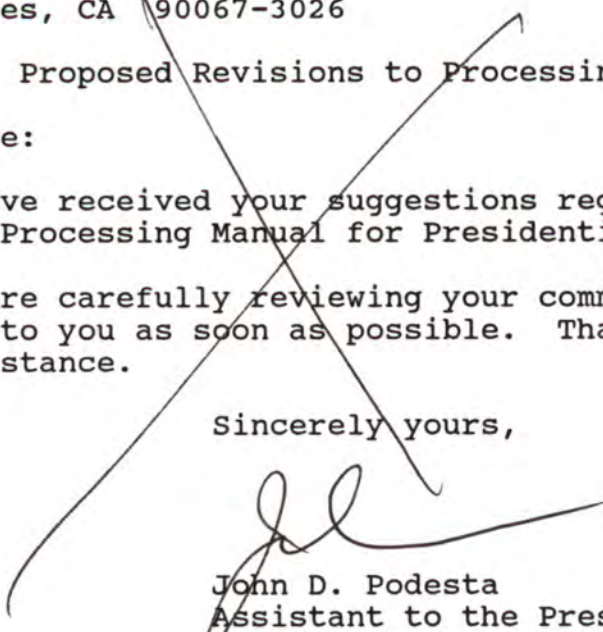
Re: Proposed Revisions to Processing Manual

Dear Steve:

I have received your suggestions regarding the Archives Processing Manual for Presidential Libraries.

We are carefully reviewing your comments and will get back to you as soon as possible. Thank you for your assistance.

Sincerely yours,



John D. Podesta
Assistant to the President
and Staff Secretary

JP: for
whatever its
worth - format
is incorrect.
I have
included a
correct version
at left of folder
FW.

THE WHITE HOUSE

WASHINGTON

July 11, 1994

94 JUL 11 DRAFT
P6:57

Stephen M. Blitz
Gibson, Dunn & Crutcher
2029 Century Park East
Los Angeles, CA 90067-3026

Re: Proposed Revisions to Processing Manual

Dear Steve:

I have received your suggestions regarding the Archives
Processing Manual for Presidential Libraries. I have forwarded
~~these suggestions to the appropriate people.~~

OK
w/
edits

We are carefully reviewing your comments and will get back
to you as soon as possible. Thank you for your assistance.

Sincerely yours,

John D. Podesta
Assistant to the President
and Staff Secretary

per
J. Podesta
7-12-94
FW

THE WHITE HOUSE
WASHINGTON

Mr. Stephen M. Blitz
Gibson, Dunn & Crutcher
2029 Century Park East
Los Angeles, CA 90067-3026

THE WHITE HOUSE
WASHINGTON

7/1/94

MAELVIN KAISER

How are we
responding to this?

John

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John D. Podesta
Assistant to the President
and Staff Secretary
Office of the Staff Secretary
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: Proposed Revisions to Processing Manual

Dear John:

Thank you for sending the proposed revisions to the PRA Processing Manual which accompanied your June 1 fax. We believe the proposed change to page 20 does accomplish what all of us were seeking to accomplish. With respect to the proposed changes to the provisions relating to Restriction (a)(1), however, we do have a few rather significant changes to suggest.

1. As an overall matter, we believe these provisions do not give appropriate deference to the PRA restrictions. As we read § 2204(a)(1), if a Presidential Record was, at the time of classification, subject to being classified pursuant to an Executive Order then in effect and was "in fact properly classified pursuant to such Executive order," such record is, at the former President's request, to be restricted from access for the specified period up to 12 years, and is not required to be submitted for classification review, whether pursuant to a systematic review or pursuant to

Mr. John Podesta
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a FOIA request. While Section 3.3(a) of E.O. 12356 does require the Archivist to "systematically review for declassification or downgrading . . . (2) classified presidential papers or records under the Archivist's control," we believe this refers only to presidential records that are not otherwise subject to restrictions on access pursuant to PRA § 2204(a). Section 3.4(a) of E.O. 12356 expressly provides that "review procedures developed by the Archivist . . . shall be consistent with the provisions of applicable laws or lawful agreements that pertain to the respective presidential papers or records."

2. Even if Presidential Records that were "in fact properly classified pursuant to such Executive order," in effect at the time are nevertheless required to be submitted for classification review, we believe the Archivist should consult with the representatives of the former President before any such classified documents are referred to an originating agency for classification review or for consultation. PRA § 2204(b)(3) provides that "the determination whether access to a Presidential record or reasonably segregable portion thereof shall be restricted shall be made by the Archivist, in his discretion, after consultation with the former President" (emphasis added). A pre-referral review could, in many cases, avoid the need for a time-consuming classification review by an originating agency of documents that would ultimately be restricted in any event, either because the former President's representatives were able to convince the Archivist that he should exercise his discretion to restrict a document on a basis other than (a)(1) or because the former President proposed to assert a "constitutionally-based privilege which may be available to a . . . former President." Since our goal is to maximize the availability of documents to researchers and the public, we should attempt to impose the burden of classification reviews on the originating agencies only in those situations that are likely to result in immediate access to those documents.

3. The same exception that is included in Paragraph 2 under "responding to FOIA requests for documents containing classified information" should also be included in the provisions relating to the procedures for "systematic review of documents containing classified information." There is no purpose to be achieved in burdening the originating agencies with a classification review if the document in question is going to be restricted in any event on other grounds.

Mr. John Podesta
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4. In Paragraph 2 of the procedures for "systematic review of documents containing classified information," we would suggest adding "or his staff" after "by the President" to make this exception consistent with Section 3 (and with Sec. 3.4(a) of E.O. 12356).

5. The same dichotomy referenced in Paragraphs 2 and 3 under "procedures for systematic review of documents containing classified information" should be maintained in the "procedures for responding to FOIA requests for documents containing classified information," i.e., documents requested under FOIA which contain information classified by agencies are to be referred (assuming the former President has waived the (a)(1) restriction) to the originating agency for classification review, 36 C.F.R. §§ 1254.42, 1254.44(b), while documents requested under FOIA which contain information classified by the President or his staff or advisors should be considered for declassification by the Archivist (again, assuming the former President has waived the (a)(1) restriction) after "consultation with agencies having primary subject matter interest," Section 3.4 of E.O. 12356; 36 C.F.R. § 1254.42(e).

In the first situation, the decision by the originating agency not to declassify a document would be final, and the Archivist would not have any authority to release such a document (despite the waiver by the former President), while if the agency does declassify such a document, it would no longer be subject to the PRA (a)(1) restriction, so that, unless the document is subject to other PRA restrictions (and, as indicated in Paragraph 3 above, such a document should not even have been submitted for classification review), the Archivist would no longer seem to have any discretion to restrict access to such a document. It is only in the second situation that the Archivist will have the discretionary authority as to whether or not to declassify.

6. Based upon the above analysis, we have prepared and attached for your consideration as Exhibit "A" a proposed revision of these provisions.

7. With respect to the final paragraph, on "potentially classifiable" documents, the appropriate processing of documents containing the types of information that are identified in Sec. 1.3(a) of E.O. 12356 is already handled in the earlier discussion of the (a)(1) restriction. To avoid confusion, and possible ambiguity, we would suggest

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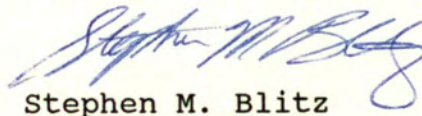
Mr. John Podesta
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Page 4

deleting this entire last paragraph. Alternatively, if it is felt important to repeat those provisions here, we would suggest, in order to clarify what is meant by "potentially classifiable" documents, that the paragraph be revised to read substantially as follows:

"-- If a document contains information described by any of the categories in Sec. 1.3(a) of E.O. 12356, but the document is neither marked as classified or declassified, the document will be addressed as though it contains classified information for purposes of consultation, referral and review pursuant to the provisions of this Manual."

As always, I would be more than happy to discuss with you any of the above concerns and suggestions.

Respectfully submitted,


Stephen M. Blitz

SMB/smb

cc: Marvin Krislov
James Cicconi
Richard Norton Smith
Ted Olson
John Mintz

CA941630.005/4+

Exhibit "A"

-- The following procedures apply to the **systematic review of documents containing classified information**:

1. Documents containing classified information will be withdrawn.

2. Upon request by a researcher for a mandatory review for declassification of records containing classified information, such records shall, subject to Paragraph 3 below, be submitted to the former President or his representatives for a determination as to whether or not the former President is willing to waive the (a)(1) restriction on access with respect to such record.

3. There is an exception to this referral procedure when the record containing the classified information would be withheld completely under one or more other PRA restrictions. In that case, the requester will be informed that the information will not be referred for classification review until such time as the other restriction(s) are lifted. At the same time, if the requested document contains clearly segregable unclassified portions that are not otherwise restricted under the PRA, those portions can be released to the requester.

4. If the former President is willing to waive the (a)(1) restriction on access with respect to a particular record, and if the record is not otherwise restricted from access in its entirety pursuant to one or more of the other restrictions contained in PRA § 2204, then

(a) if the record contains information that was classified by agencies, rather than by the President or his staff or his advisors (E.O. 12356, Sec. 3.4(a)), we will send the specified record to the originating agency for classification review.

(b) if the record contains information that was originated by the President or his staff or his advisors, the Archivist will consult with the agencies having primary subject matter interest in such information (E.O. 12356, Sec. 3.4(b)) in accordance with the Archivist's authority to "review, downgrade and declassify" such Presidentially classified records and pursuant to procedures to be established by the Archivist pursuant to 36 C.F.R. §§ 1254.42(c), (e). Note that under the PRA, the Archivist still must exercise his or her discretion in determining whether to permit access to such information after seeking the advice of such agencies.

Mr. John Podesta
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-- The following procedures apply to **responding to FOIA requests for documents containing classified information:**

1. Documents that are determined to be responsive to a FOIA request and that contain classified information shall, subject to Paragraph 2 below, be submitted to the former President or his representatives for a determination as to whether or not the former President is willing to waive the (a)(1) restriction on access with respect to such record. The requester will be advised that the document(s) have been referred for review, but that in the meantime access to the classified information will be denied under the PRA restriction 1, 44 U.S.C. § 2204(a)(1).

2. There is an exception to the referral procedure when the record containing the classified information would be withheld completely under one or more other PRA restrictions. In that case, the requester will be informed that the information will not be referred for classification review until such time as the other restriction(s) are lifted. At the same time, if a classified document contains clearly segregable unclassified portions that are not otherwise restricted under the PRA, those portions should be released to the requester during the initial response.

3. If the former President is willing to waive the (a)(1) restriction on access with respect to such record, and if the record is not otherwise restricted from access in its entirety pursuant to one or more of the other restrictions contained in PRA § 2204, then

(a) if the record contains information that was classified by agencies, rather than by the President or his staff or his advisors (E.O. 12356, Sec. 3.4(a)), we will send the specified record to the originating agency for review.

(b) if the record contains information that was originated by the President or his staff or his advisors, the Archivist will consult with the agencies having primary subject matter interest in such information (E.O. 12356, Sec. 3.4(b)) in accordance with the Archivist's authority to "review, downgrade and declassify" such Presidentially classified records and pursuant to procedures to be established by the Archivist pursuant to 36 C.F.R. §§ 1254.42(c), (e). Note that under the PRA, the Archivist still must exercise his or her discretion in determining whether to permit access to such information after seeking the advice of such agencies."