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Constitution: Presidential Powers - Succession - Terms of
Office)

Case File Number(s): 040000-062999

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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name WHITE HOUSE OFFICE OF RECORDS MANAGEMENT
(WHORM): SUBJECT FILE

Withdrawer

KDB 12/12/1996

File Folder FE002-01 (PRESIDENTIAL POWERS - SUCCESSION -
TERMS OF OFFICE) (055100)

FOIA

S9352/3

Box Number 3

SYSTEMATIC

112

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
250957	MEMO	RICHARD ALLEN TO WILLIAM FRENCH SMITH, RE: PRESIDENTIAL SUCCESSION	1	8/21/1981	B1

The above documents were not referred for declassification review at time of processing

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]
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- 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]

C. Closed in accordance with restrictions contained in donor's deed of gift.

ID # 045072FE002-01

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☒ I - INCOMINGDate Correspondence
Received (YY/MM/DD)8/11/02Name of Correspondent: Tony West☒ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Enclosure House Joint Memorial,
requesting Congress to propose an Amendment
to the Constitution to provide the President
an item veto in appropriation bills.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>IA Plac</u>		ORIGINATOR	<u>8/11/02</u>	<u>JP</u>	<u>A</u>	<u>8/11/02</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				

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 D - Draft Response
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FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 2200

Prime Subject Code: FE 00201 Secondary Subject Codes: LE
FI 004
SI 003

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C		Time: _____	P- _____
DSP		Time: _____	Media: _____

SIGNATURE CODES:

CPn - Presidential Correspondence

- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

CLn - First Lady's Correspondence

- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence

- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

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- B - Box/package
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- D - Official document
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- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

November 2, 1981

Dear Tony:

Thank you for your letter of October 24, 1981 to the President enclosing the House Joint Memorial which you introduced in the Arizona State Legislature.

While the merits of your proposal can certainly be appreciated, the President cannot become directly involved in influencing measures proposed in the state legislatures. This is consistent with the President's program of federalism in which he is committed to returning decision making authority to state and local governments.

We greatly appreciate you keeping us informed of this proposal.

Best personal regards.

Sincerely,

Judy F. Peachee
Special Assistant to the President
Intergovernmental Affairs

The Honorable Tony West
544 West Solano Drive
Phoenix, Arizona 85013

cc: Mr. James Baker
Mr. Ed Meese
Mr. Mike Deaver

TONY WEST
544 WEST SOLANO DRIVE
PHOENIX, ARIZONA 85013
CAPITOL: 255-5895



COMMITTEES:
WAYS & MEANS,
CHAIRMAN
COMMERCE
GOVERNMENT OPERATIONS
JUDICIARY
JOINT LEGISLATIVE
OVERSIGHT COMMITTEE

Arizona House of Representatives
Phoenix, Arizona 85007

Judy Peachee

October 24, 1981

045072

The President
The White House
Washington, D. C. 20500

Mr. President:

Enclosed is a copy of a House Joint Memorial which I introduced in 1977 in the Arizona State Legislature, but which was not successful.

It is my opinion that it is essential that the Chief Executive Officer of this nation have power of line-item veto, and I will again present this matter to the 1982 Arizona State Legislature for consideration. I strongly suggest your direct support of this proposal in Arizona and in legislatures across our country. Should you and your administration wish to take an active role in this, please advise. I stand ready to assist you in this endeavor.

Yours respectfully,

Tony West
TONY WEST
State Representative

TW:me

copy: Mr. James Baker
Mr. Michael Deaver
Mr. Edwin Meese
Ms. Judy Peachee

REFERENCE TITLE: presidential item veto

State of Arizona
House of Representatives
Thirty-third Legislature
First Regular Session
1977

H. J. M. _____

Introduced by _____

A JOINT MEMORIAL

REQUESTING THE CONGRESS OF THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE
CONSTITUTION OF THE UNITED STATES TO PROVIDE THE PRESIDENT AN ITEM VETO
IN APPROPRIATION BILLS.

1 To the Congress of the United States of America:

2 Your memorialist respectfully represents:

3 The people of the State of Arizona view with growing concern the
4 passage of extravagant legislation by Congress and the inability of the
5 President to separate such legislation from an otherwise worthwhile
6 bill.

7 Wherefore your memorialist, the Legislature of the State of Arizona,
8 prays:

9 1. That the Congress of the United States propose to the people an
10 amendment to the Constitution of the United States or to call a convention
11 for such purpose, as provided by law, to add to the Constitution an article
12 providing as follows:

13 ARTICLE _____

14 Section 1. The President may approve any appropriation
15 or provision and disapprove any other appropriation or pro-
16 vision in the same appropriation bill. In such case, the
17 President shall, in signing the bill, designate the appro-
18 priations and provisions disapproved and shall return a
19 copy of such appropriations and provisions, with the objec-
20 tions, to the House in which the bill originated and the same
21 proceedings shall then be had as in case of other bills dis-
22 approved by the President.

23 2. That the Secretary of State of the State of Arizona is directed
24 to send a duly certified copy of this memorial to the President of the
25 United States Senate, the Speaker of the United States House of Representa-
26 tives, each member of Congress from the State of Arizona and to the pre-
27 siding officer of each legislative house in each of the other states in
28 the United States.

ID # 047911

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

FE002-01☐ O - OUTGOING☐ H - INTERNAL☒ I - INCOMINGDate Correspondence
Received (YY/MM/DD)8/11/17

Name of Correspondent:

George W. Lukas☒ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject:

Writes regarding the Presidential line - item veto movement they have begun in Pennsylvania. Invites the President to appear at a state legislative hearing re same.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>SC Rawl</u>		<u>ORIGINATOR</u>	<u>8/11/18</u>	<u>GN</u>	<u>A</u>	<u>8/12/31</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
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F - Furnish Fact Sheet
to be used as Enclosure

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Code = "A"
Completion Date = Date of Outgoing

Comments:

FV 810000 8/12/31 PA Harrisburg

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RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

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Prime Subject Code: FE 002.01 Secondary Subject Codes: FI 004 _____
ST 038 _____
PR 013.01 _____

PRESIDENTIAL REPLY

<u>Code</u>	<u>Date</u>	<u>Comment</u>	<u>Form</u>
C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

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- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence

- n - 1 - Ronald Reagan - Nancy Reagan
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- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

December 31, 1981

Dear Senator Gekas:

On behalf of the President, I wish to acknowledge and thank you for your letter of November 10 inviting him to appear at a hearing of the Pennsylvania Senate Rules Committee to speak on behalf of the presidential line-item veto movement which you have begun in Pennsylvania through a Joint Resolution.

Most regrettably, the President will be unable to make this appearance in view of his heavy schedule commitments now and in the upcoming months.

As to the possibility of Secretary Regan or Director Stockman attending the hearing, it is suggested that you contact them directly about this, since the President is reluctant to ask them or any other appropriate member of his Administration to undertake an engagement on his behalf since he is so aware of the many demands on their time.

The President does want you to know, though, he appreciates your interest and thoughtfulness, as well as that of all those on whose behalf you wrote, and that he sends you his very best wishes.

Sincerely,

Gregory J. Newell
Special Assistant
to the President

The Honorable George W. Gekas
Senator of the State of Pennsylvania
Harrisburg, PA 17120

GJN:mhr:emb-2a

December 31, 1961

Dear Senator Gekas:

On behalf of the President, I wish to acknowledge and thank you for your letter of November 10 inviting him to appear at a hearing of the Pennsylvania Senate Rules Committee to speak on behalf of the presidential line-item veto movement which you have begun in Pennsylvania through a Joint Resolution.

Most regretfully, the President will be unable to make this appearance in view of his heavy schedule commitments now and in the upcoming months.

As to the possibility of Secretary Rogers or Director Stockman attending the hearing, it is suggested that you contact them directly about this, since the President is reluctant to ask them or any other appropriate member of his Administration to undertake an engagement on his behalf since he is so aware of the many demands on their time.

The President does want you to know, though, he appreciates your interest and thoughtfulness, as well as that of all those on whose behalf you wrote, and that he sends you his very best wishes.

Sincerely,

Gregory J. Newell
Special Assistant
to the President

The Honorable George W. Gekas
Senator of the State of Pennsylvania
Harrisburg, PA 17120

GJN:mrh:amp-2a

movement

Dear Senator Gekas:

On behalf of the President, I wish to acknowledge and thank you for your letter of November 10 inviting him to appear at a hearing of the Pennsylvania Senate Rules Committee to speak on behalf of the presidential line-item veto ~~movement~~ which you have begun in Pennsylvania through a Joint Resolution.

Most regrettably, the President will be unable to make this appearance in view of his heavy schedule commitments now and in the upcoming months.

Regan
As to the possibility of Secretary ~~Egan~~ or Director ~~Stockman~~ attending the hearing, it is suggested that you contact them directly about this, since the President is reluctant to ask them or any other appropriate member of his Administration to undertake an engagement on his behalf since he is so aware of the ~~demands~~ *many* demands on their time.

The President does want you to know, though, he appreciates your interest and thoughtfulness, as well as that of all those on whose behalf you wrote, and that he sends you his very best wishes.

GJN:mhr

THE WHITE HOUSE

WASHINGTON

MEMORANDUM

TO:

FROM: GREGORY J. NEWELL

VIA: PATRICIA A.E. ROGERS

SUBJ: SCHEDULING REQUEST INFORMATION/ RECOMMENDATION

PLEASE PROVIDE YOUR RECOMMENDATIONS AND COMMENTS ON
THE FOLLOWING SCHEDULE REQUEST UNDER CONSIDERATION:

Event:

Date:

Time:

Duration:

Location:

Background:

RECOMMEND ACCEPT

RECOMMEND REGRET

THE WHITE HOUSE
WASHINGTON

Permit
12/26

NOVEMBER 20, 1981

7702

NOTE FOR: JUDY PEACHEE

FROM: PATRICIA A.E. RODGERS, DEPUTY DIRECTOR
PRESIDENTIAL APPOINTMENTS AND SCHEDULING

We will regret Senator Gekas's request for the President to appear at a hearing of the Pennsylvania Senate Rules Committee; how do you recommend we respond the Senator's other two requests?

12/28/81

Spoke to Judy Peachee regarding her recommendation. She said they do not recommend that the President be involved in State Legislature endorsements.

ND

15TH DISTRICT
GEORGE W. GEKAS
THE STATE CAPITOL
HARRISBURG, PA. 17120

SUITE 51, UNION DEPOSIT MALL
HARRISBURG, PA. 17111



COMMITTEES

JUDICIARY, CHAIRMAN
LAW & JUSTICE, VICE CHAIRMAN
AGING & YOUTH
STATE GOVERNMENT
URBAN AFFAIRS & HOUSING

Senate of Pennsylvania

November 10, 1981

047911

Ronald Reagan
The President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D. C. 20500

Dear Mr. President:

The presidential line-item veto movement which we have begun in Pennsylvania through a Joint Resolution to urge Congress in that direction would take on national proportions if you yourself endorsed our action by:

1. Appearing at a hearing of our Pennsylvania Senate Rules Committee to "speak" on behalf of the resolution (needless to say, we would accommodate your time constraints by scheduling same according to your dictates).

or:

2. Requesting Secretary Donald Regan or Secretary David Stockman or some other fiscal official to such a hearing.
3. Direct a letter or telegram to me indicating your support, to be entered into the record of such a hearing.

We stand ready to support you in the endeavor to begin the process to insure balanced budgets in the future.

Your appearance at a state legislative hearing would indeed be a momentous occasion. It could not fail to dramatize conclusively your personal interest in this issue and, at the same time, give you a splendid opportunity to meet with us here in Harrisburg.

We await your reply with great expectations.

Respectfully yours,

A handwritten signature in blue ink, appearing to read 'Gekas'.

George W. Gekas
Senator, 15th District

GWG:ae

~~DRAFT~~

THE WHITE HOUSE
WASHINGTON
December 16, 1981

054362

11/10
4040

FE002-01

PL

JH07

MEMORANDUM FOR FRED F. FIELDING^x

FROM: *mc* MARY C. LAWTON^x

SUBJECT: Reaction to Article on Executive Privilege

The Article's bias is evident in the identification of the author. It's impact is based on a selective use of facts. He ignores the hundreds of documents turned over to Dingle and mentions only the 31 withheld. He also ignores the distinction made between on-going deliberations and final actions and the assurance to Dingle that we would reconsider the privilege claims after the decision is made.

As a matter of law courts have recognized a "deliberative process" privilege both in the context of executive privilege cases and in FOIA litigation. It is not, and never has been confined to direct focuses on the distinction between action and thought processes. The former Congress has a right to probe; the latter it does not.

When Congress commits to the Executive responsibility for making decisions it has a right to know what they are and on what factual basis they were made. It has no right, under the Separation of Powers Doctrine to sit in on the decision-making process. This is what Dingle is trying to do and what we are resisting. The author completely misses this point.

The author also misses the distinction between oversight -- a general monitoring of performance -- and investigations under the specific impeachment clause of the Constitution. Teapot Dome and Watergate were impeachment investigations, the Ervin and Church committees were specially authorized investigations into wrongdoing. Dingle has never fully articulated the basis for his hearings but he speaks generally of "oversight" not investigations.

In short, the article is wrong on the law and the facts.

WITHDRAWAL SHEET

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Collection Name

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(WHORM): SUBJECT FILE

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File Folder

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FOIA

S9352/3
SYSTEMATIC

Box Number

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<i>ID</i>	<i>Document Type</i> <i>Document Description</i>	<i>No of</i> <i>pages</i>	<i>Doc Date</i>	<i>Restric-</i> <i>tions</i>
250957	MEMO	1	8/21/1981	B1

RICHARD ALLEN TO WILLIAM FRENCH SMITH,
RE: PRESIDENTIAL SUCCESSION

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

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059438

THE WHITE HOUSE

WASHINGTON

January 20, 1982

FEDUC-01
CD 128
FGDID-02
FGD11
FGD17
FGD19

MEMORANDUM FOR RICHARD HAUSER

FROM:  MARY C. LAWTON

SUBJECT: Dingell request for documents

Interior called a meeting at 4:00 pm on January 19 to discuss possible release of the 31 documents on which Executive Privilege was claimed after a decision on Canadian reciprocity is made. State and Justice were also represented at the meeting. Interior is disposed to release many of the documents, State wants to redact certain sensitive materials, Justice believes certain documents such as cabinet council minutes must be withheld in their entirety. One question which we discussed was whether agendas of cabinet council meetings, innocuous in substance, should nevertheless be withheld on principle.

Interior proposed to advise subcommittee staff that certain documents would be released after the decision is made. I reminded them, somewhat emphatically, that the President had claimed the privilege and only the President could waive it. Interior cannot commit him in this regard. I suggested that once the reciprocity decision is made, they forward recommendations on additional releases to Fred, through Justice, for Presidential decision.

I'm delighted to leave this one to you.

11/12/86

11/12/86

11/12/86

11/12/86

ij

THE WHITE HOUSE
WASHINGTON

October 30, 1981

059446

1230

FECC 11

FG 018

PO 038

FOC04-03

FG010-02

NI005

TR

MEMORANDUM FOR KEN CRIBB

FROM: *mel* MARY C. LAWTON

SUBJECT: Interior response to Congressman Dingle *Dingle*

At a hearing before Congressman Dingle's Subcommittee concerning the Mineral Lands Leasing Act, Secretary Watt promised to respond in writing to certain questions. Attached is Interior's first draft of those responses.

Dick Hauser and I have reviewed the responses and are going to suggest a number of changes, including much less specificity regarding cabinet council meetings and the President's attendance. Nevertheless it would assist us if we had the information alluded to in the Interior responses. To the extent that information is reflected in your records could you let Dick or me know.

Finally, we would appreciate being advised of any direct contacts with you by Interior. Coordination has been a problem with respect to the responses to Dingle from the beginning.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Honorable John D. Dingell
Chairman, Subcommittee on Oversight
and Investigations
Committee on Energy and Commerce
House of Representatives
Washington, D.C. 20515

Dear Mr. Dingell:

You have asked us to provide further information on this Department's analysis of the Canadian reciprocity issue and on the President's decision to withhold certain documents on the ground of Executive privilege. In particular, you, members of the Subcommittee and staff of the Subcommittee have asked us to respond to questions raised during the October 14 hearing, at which Secretary Watt testified.

In order to respond to these requests for additional information, we are providing the following materials, which are enclosed:

Attachment A: A summary of the contents of each document being withheld and the reasons it is being withheld;

skip line Attachment B: Responses to the questions raised at the October 14 hearing. (additional documents or reasons for withholding them?)

I trust these materials will aid you in your deliberations on these important issues. If you have any further questions, please do not hesitate to call me (343-6706), Jack Campbell (343-6167) or Paul Driessen (343-4547).

Sincerely,

Theodore J. Garrish
Legislative Counsel

Enclosures

(1) Please provide a list of all telephone and personal contacts officers and staff of the Interior Department have had with Subcommittee members and staff regarding this dispute.

Answer. We do not have complete records on the contacts this Department has had with the Subcommittee. However, from the records which are available, we can supply the following information:

Secretary Watt: several telephone calls to and from Chairman Dingell; letters to the Chairman, dated October 7 and October 8, 1981.

Under Secretary Hodel: telephone calls to and from the Chairman; telephone call from Committee Counsel Kathryn Seddon, October 2, 1981; letters to the Chairman dated October 1 and October 7, 1981.

Theodore J. Garrish, Legislative Counsel: several telephone conversations with Subcommittee staff during September 1981; letter of September 24, 1981, to Chairman Dingell; meeting with Subcommittee staff October 9, 1981.

John M. Campbell, Special Assistant to J. Robinson West, Assistant Secretary for Policy, Budget and Administration: many telephone calls during the months of July to October, including August 3, September 10, September 18, September 28 and September 30, 1981.

Paul K. Driessen, Attorney, Office of the Legislative Counsel: several telephone calls to and from Subcommittee staff during the months of September to October 1981. Release of Interior documents, September 24, 1981. Release of Interior documents, October 9, 1981; meeting with Subcommittee staff, October 9, 1981.

Alexander H. Good, Associate Solicitor--Energy Resources: meeting with Subcommittee staff, October 9, 1981.

(2) Please list all Cabinet and Cabinet Council meetings at which the issues of Canada and reciprocity under the Mineral Lands Leasing Act were discussed.

Answer: The Cabinet Council on Economic Affairs (CCEA) discussed international investment issues on July 16, July 29, August 6, September 10 and September 18, 1981. The September 18 meeting addressed these issues in the context of "the international sector of the U.S. economy."

The Cabinet Council on Natural Resources (CCNR) also discussed these issues, on (date?).

(3) Please provide the dates, times and places where Secretary Watt or the Cabinet Council discussed the Canadian reciprocity issues with the President.

Answer: Secretary Watt discussed various aspects of the issue of Canadian reciprocity with the President on several occasions during September and October, during and following meetings of the Cabinet Council on Economic Affairs (CCEA). These discussions were informal in nature, and neither Secretary Watt nor the President has any specific record or recollection of the discussions or when they took place. However, as noted in the answer to the previous question, international investment issues were discussed at CCEA meetings on July 16, July 29, August 6, September 10 and September 18, 1981, and at CCNR meetings on (date).

(4) Please list all individuals who participated in the interdepartmental task force that reviewed the Interior Department's files on the issue of Canadian reciprocity.

Department of the Interior

Ted Garrish
Alex Good
Paul Driessen
Jack Campbell

Department of State

George Ogg
Peter Quant
James Hackney
William Brew
Mark Johnson

Department of Treasury

Arthur McMahon
R. M. Goodman
Russell Munk
Lyn Witley *Witley*
Rochelle Stern

U.S. Trade Representative

Eric Garfinkel

Department of Commerce

Peter Cashman
Philip Ray
Richard Apcar

Department of Justice

Geoffrey Miller
Larry Simms
Barbara Price

The White House

Mary Lawton
Richard Hauser

(5) Is the President's claim of Executive privilege based on the position that any documents prepared for use at Cabinet or Cabinet Council meetings or by members of the Cabinet Council are privileged if the President has or could have access to them?

Answer: As stated in the President's October 13 letter to Secretary Watt and more fully explained in the Attorney General's October 13 letter to the President, the President's position is that he is compelled to assert Executive privilege with respect to 31 documents pertaining to Canada's reciprocity under the 1920 Mineral Lands Leasing Act because the documents:

- (a) deal with sensitive foreign policy negotiations now in progress;
- (b) were prepared for the Cabinet as part of the Executive Branch's deliberative process, through which recommendations are made to the President;
- (c) are pre-decision, deliberative memoranda which have been considered by Cabinet officers and officials of the Interior Department and other agencies, and which reflect internal deliberations, staff level advice to policy makers, tentative legal judgments and preliminary policy decisions on a matter of considerable sensitivity;
- (d) are sensitive enough that their release to the Subcommittee would seriously interfere with or impede the deliberative process of government and, in some cases, the Nation's conduct of its foreign policy; and
- (e) represent departmental analyses of laws and facts pertaining to international investment in the United States, the subject of Canadian reciprocity under the Mineral Lands Leasing Act and related issues; the statutes and facts involved here are available to or have been provided to the Subcommittee, thus casting doubt on the Subcommittee's need for the Executive Branch "work products" and analyses sought by the subpoena; and

alternate answer:

The reasons for the President's assertion of Executive privilege are fully explained in the President's October 13, 1981, memorandum to Secretary Watt and the Attorney General's October 13, 1981, opinion for the President.

*0.0 11/17
(11/17)*

(6) Of the documents being withheld, which ones are specifically addressed to the Cabinet or Cabinet Council or pertain directly to Cabinet or Cabinet Council meetings?

Answer: As suggested in the previous response, the 31 documents in question are being withheld for a variety of reasons related to the Executive Branch's ongoing deliberations into the issue of Canadian reciprocity. The President's claim of Executive privilege is not grounded in factors relating to who used the documents or to whom they were addressed, but in a combination of factors relating to the conduct of foreign affairs, the activities of the Cabinet, the deliberative process by which decisions are made within the Executive Branch, and the lack of demonstrated need on the part of the Subcommittee for the documents, to further the purposes of its general "legislative oversight inquiry."

However, of the 31 documents being withheld, those numbered -- , --, -- and -- are specifically addressed to the Cabinet or Cabinet Council or pertain directly to their meetings.

(7) Of the 31 documents being withheld, which ones are being withheld because they deal with sensitive foreign policy negotiations now in progress, and which ones are being withheld because they were prepared as part of the Executive Branch's deliberative process?

Answer: Apparently, some confusion has resulted from the use of the disjunctive "or" in the President's October 13, 1981, memorandum to Secretary Watt. While use of this disjunctive may suggest that the documents in question are being withheld because they fit into one or the other of the two categories you questions presents, that is not in fact the case. As the Attorney General's letter and the previous answers to questions (5) and (6) indicate, the President's claim of Executive privilege is actually based on an aggregate of reasons relating to foreign policy, the Executive Branch's deliberative process, the activities of the Cabinet, and the legitimate needs of the Legislative Branch. In virtually every case, more than one factor is involved; all are part of the President's claim of Executive privilege, and it is impossible to segregate these complex materials into a single category.

As a result, it is impossible for us to answer the question as posed. Each of the documents has been withheld for one, several or all of the reasons given in our previous response to question (5); decisions to withhold documents were not made because each document fit into either the foreign policy or the deliberative process category, since the decision was never that simple. However, perhaps our enclosed summary of the contents of each document, contained in Attachment A, will provide a partial answer to your question.

Each of the documents is being withheld, on the instructions of the President, under the doctrine of Executive privilege. The Department of the Interior is unable to advise the Subcommittee any more specifically regarding the President's decision with respect to any particular document.

(8) Of the 31 documents being withheld, were any addressed specifically to the President? If any are addressed to the President, please identify them.

Answer: None of the documents in question was specifically addressed to the President. However, all documents addressed to the Cabinet or the Cabinet Council on Economic Affairs also go to the President; they are communications and memoranda to him, even though they may not be addressed to him by name and title.

(9) Documents 4, 9, 10, 17, 18, 20, 29, 30 and 31 were all undated and unsigned. Is it correct to say that there is no indication that these papers are anything more than preliminary drafts that were not sent forward?

Answer: Yes, it is correct to say there is nothing on any of these documents to indicate that they were anything more than preliminary drafts that were never sent forward. However, a few of the documents were in fact discussed at Cabinet Council meetings, where it was decided that they did not correctly represent departmental views and should go no further.

(10) Please provide the number of discussions you have had with other Cabinet officials on the subject of Canadian reciprocity under the Mineral Lands Leasing Act.

Answer: As noted in our answer to question (2), this and related issues were discussed at meetings of the Cabinet Council on Economic Affairs on July 16, July 29, August 6, September 10 and September 18, 1981, and at meetings of the Cabinet Council on Natural Resources (-----). No records were kept of informal discussions on these subjects outside of these meetings.

(11) Was the President ever present when the subjects of international investment and Canadian reciprocity were discussed at Cabinet Council meetings?

Answer: Yes — at Cabinet Council meetings held on (dates—).

(12) When did Secretary Watt discuss with the President the issue of the documents that are being withheld and the entire dispute regarding production of these documents?

Answer: The President attended Cabinet Council meetings on (dates) when the Council discussed the subjects of Canadian reciprocity, the documents being sought by the Subcommittee and the dangers inherent in providing certain of these documents to the Subcommittee. The Secretary and the President also discussed these issues on (dates) and ~~was~~ in the process of making a decision on whether to assert Executive privilege with regard to the 31 documents now in dispute, on (dates).

14

Name	Date
P. Keisler	11/12/86

061486

1240

FEB 22-01

THE WHITE HOUSE

WASHINGTON

February 18, 1982

Dear Dan:

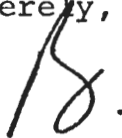
Thank you for your letter of February 16 enclosing a letter from your constituent, Mrs. Harold Harkenrider, requesting that her views regarding Presidential privileges be forwarded to President Reagan.

Accordingly, we have sent this letter to the appropriate office within the White House for action. We have also requested that both your office and our own receive a copy of their response.

I am pleased to have been of service to you and Mrs. Harkenrider in this instance. Please don't hesitate to let me know whenever I may be of service to you.

With best wishes, I am

Sincerely,



M. B. Oglesby, Jr.
Deputy Assistant to the President
for Legislative Affairs

The Honorable Dan Coats
House of Representatives
Washington, D.C. 20515