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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name WHITE HOUSE OFFICE OF RECORDS MANAGEMENT
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Withdrawer

DLB 9/25/2014

File Folder FE002-01 (PRESIDENTIAL POWERS - SUCCESSION -
TERM OF OFFICE) (333500-349999)

FOIA

S643

Box Number NULL

SYSTEMATIC

182

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
165821	MEMO	ABRAHAM SOFAER TO FRED FIELDING, RE: RESPONSE TO SENATOR DURENBERGER	2	9/30/1985	B1
165822	LETTER	DRAFT LETTER TO CHAIRMAN OF SENATE INTELLIGENCE COMMITTEE FROM ABRAHAM SOFAER	3	ND	B1
165824	LETTER	DRAFT LETTER TO CHARIMAN OF THE SENATE INTELLIGENCE COMMITTEE FROM ABRAHAM SOFAER	2	ND	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]

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]

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

WITHDRAWAL SHEET

Ronald Reagan Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
letter case (333542)			
1. memo	from Robert Kimmitt to Ronald Peterson re: State draft report on S.937 (1p, partial)	6/6/85	<i>MDJ</i> <i>11/13/85</i> P-5
2. memo	from Paul Thompson to R. Kimmitt re: State draft report of S. 937 (1p, partial)	6/6/85	P-5
COLLECTION:			
WHORM: Subject File			kb
FILE FOLDER:			
FE002-01 (333542)			10/30/94

RESTRICTION CODES

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

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

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

- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-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.

9
MEMORANDUM

NATIONAL SECURITY COUNCIL

4358
333542
—
FE002-01
June 6, 1985

LE

FG006-12

FG011

RS

MEMORANDUM FOR RONALD K. PETERSON

FROM:

ROBERT M. KIMMITT

WRP for

SUBJECT:

State draft report on S.937, a bill to amend the
War Powers Resolution

The NSC Staff has reviewed subject report and concurs.

NSC #8504358

NATIONAL SECURITY COUNCIL

June 6, 1985

MEMORANDUM FOR ROBERT M. KIMMITT

FROM: PAUL B. THOMPSON

SUBJECT: State draft report on S.937, a bill to amend the War Powers Resolution

OMB has requested our review of subject report, which opposes S.937 for the following reasons:

- Section 3 of the bill would inhibit the President's constitutional authority to an unacceptable degree by unduly restricting his ability to introduce U.S. Armed Forces into any situation of actual or imminent hostilities except in specified situations such as where U.S. Forces are already attacked or threatened.
- Section 5 would reduce from 60 to 30 days the time for introduction of U.S. Forces, would do away with the 30-day extension and prohibit the expenditure of funds after the 30 day period. Such inflexible limitations would jeopardize our policies as well as our Forces.
- Section 4 modifies the reporting requirements to the extent that the current, delicate balance of dialogue between the legislative and executive branches would be greatly disrupted.

We have reviewed State's arguments in opposition to S.937 and concur.

RECOMMENDATION

That you sign the attached memo (Tab I) to Ron Peterson.

Approved UPP Disapproved _____

Attachments

Tab I - Memo to Ronald Peterson
Tab II - State Draft report on S.937
Tab III - S.937



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
May 29, 1985

LEGISLATIVE REFERRAL MEMORANDUM

TO: **Legislative Liaison Officer-**
Department of Defense
Department of Justice
✓ National Security Council

SUBJECT: State draft report on S.937, a bill to amend
the War Powers Resolution.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than Wednesday, June 26, 1985.

Questions should be referred to Tracey Lawler/Sue Thau (395-7300) the legislative analyst in this office.

Ronald K. Peterson
RONALD K. PETERSON FOR
Assistant Director for
Legislative Reference

Enclosures

cc: C. Kolb J. Eisenhower
B. Howard



United States Department of State

Washington, D.C. 20520

Dear Mr. Chairman:

I am responding to your request for coordinated executive branch comments on S.937, a bill to amend the War Powers Resolution, that was introduced by Senator Cranston on April 17, 1985.

The Administration strongly opposes this bill. As you know, the President has expressed his reservations about the wisdom and constitutionality of certain aspects of the War Powers Resolution. S.937 would present even more serious problems, in that it would attempt to further limit the President's constitutional authority concerning the deployment of U.S. Armed Forces in ways that could impair the conduct of U.S. foreign policy and the protection of its national security.

First, Section 3 of the bill would attempt to prevent the President from introducing U.S. Armed Forces into any situation of actual or imminent hostilities except in certain specified types of situations. Of course, no such statutory provision could restrict the exercise of the President's constitutional responsibilities as Commander-in-Chief; nevertheless, the existence of such a provision could give rise to considerable uncertainty abroad as to the ability of the U.S. Government to use its forces promptly in appropriate situations. For example, the formulation in Section 3 does not permit the immediate use of U.S. Forces to respond to massive aggression against one of our allies if U.S. Forces are not immediately attacked or threatened. Such a provision could have very serious effects on the credibility of our commitments to our allies in Europe and elsewhere as for example, in the case of a Soviet attack against NATO Ally Norway where no U.S. combat forces are stationed.

No statutory formulation of this kind could hope to encompass all of the possible kinds of situations in which it might be necessary for the President to make immediate

The Honorable
Richard G. Lugar, Chairman,
Committee on Foreign Relations,
United States Senate.

use of our forces, and the Congress was prudent in declining to do so in its original adoption of the War Powers Resolution. Such a provision could only cause unproductive arguments in the future about statutory interpretation and constitutional prerogatives that undermine, rather than promote, cooperation between the two branches in the implementation of U.S. policy.

Second, Section 5 of the bill would: (1) reduce from 60 to 30 days the period within which the President would purportedly have to terminate the use of U.S. Armed Forces in actual or imminent hostilities unless Congress enacts specific statutory authorization; (2) eliminate the current provision for a 30-day extension to permit safe withdrawal; and (3) prohibit the obligation or expenditure of funds for any such use after the period expires. In the President's October 12, 1983 statement on S.J. Res. 159, The Multinational Force in Lebanon Resolution, he said, with respect to the existing 60-day provision, that:

. . . the imposition of such arbitrary and inflexible deadlines creates unwise limitations on presidential authority to deploy United States Forces in the interests of United States national security. For example, such deadlines can undermine foreign policy judgments, adversely affect our ability to deploy United States Armed Forces in support of these judgments, and encourage hostile elements to maximize United States casualties in connection with such deployments.

S.937 would further compound the arbitrary and inflexible character of the current provision and would make the effective use of U.S. Forces very difficult, even for purposes generally recognized as legitimate by all shades of opinion. It would also tend to erode further the credibility of U.S. treaty commitments to our allies in Europe and elsewhere.

Finally, S.937, in the context of defining reporting requirements in section 4, curiously deletes the existing requirements for consultation with Congress with respect to the introduction of U.S. Armed Forces into actual or imminent hostilities, and for reporting to Congress with respect to the introduction of such forces into foreign territory while equipped for combat. The omission of these provisions, which have been the most frequently utilized parts of the War Powers Resolution during its

10-year history, suggests that S.937 may have been drawn up in haste and without careful consideration of its implications.

In conclusion, we are concerned that S.937 would greatly complicate the President's execution of his constitutional responsibilities for foreign policy and defense. We believe that S.937 could seriously impair cooperation between the two branches on the implementation of U.S. foreign policy and the effective use of our armed forces. We believe it would be likely to create constitutional confrontations rather than resolve them. We strongly oppose it.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

William L. Ball, III
Assistant Secretary
Legislative and Intergovernmental Affairs

99TH CONGRESS
1ST SESSION

S. 937

To amend the War Powers Resolution to make rules governing certain uses of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

IN THE SENATE OF THE UNITED STATES

APRIL 17 (legislative day, APRIL 15), 1985

Mr. CRANSTON (for himself, Mr. STENNIS, and Mr. EAGLETON) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the War Powers Resolution to make rules governing certain uses of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "War Powers Act of
4 1985".

5 SEC. 2. The War Powers Resolution (Public Law 93-
6 148, 87 Stat. 555 et seq.) is amended to read as follows:

7 "SHORT TITLE

8 "SECTION 1. This Act may be cited as the 'War
9 Powers Act'.

1 "PURPOSE AND POLICY

2 "SEC. 2. It is the purpose of this Act to fulfill the intent
3 of the Constitution of the United States and insure that the
4 collective judgment of both the Congress and the President
5 will apply to the introduction of the Armed Forces of the
6 United States into hostilities and to the continuation of the
7 use of such armed forces in such hostilities. Under article I,
8 section 8, of the Constitution, it is specifically provided that
9 the Congress shall have the power to make all laws neces-
10 sary and proper for carrying into execution not only its own
11 powers but also 'all other powers vested by this Constitution
12 in the Government of the United States, or in any depart-
13 ment or officer thereof'. At the same time, this Act is not
14 intended to encroach upon the recognized powers of the
15 President, as Commander in Chief, to conduct hostilities au-
16 thorized by the Congress, to respond to attacks or the immi-
17 nent threat of attacks upon the United States, including its
18 territories and possessions, to respond to attacks or the immi-
19 nent threat of attacks against the United States Armed
20 Forces, and, under proper circumstances, to rescue endan-
21 gered citizens of the United States located in foreign
22 countries.

23 "EMERGENCY USE OF THE ARMED FORCES

24 "SEC. 3. In the absence of a declaration of war by the
25 Congress, the United States Armed Forces may be intro-

1 duced into hostilities or into a situation where the imminent
2 introduction of such forces into hostilities is clearly indicated
3 by the circumstances, only—

4 “(1) to repel an attack upon the United States or
5 its territories or possessions; to take necessary and ap-
6 propriate retaliatory actions in the event of such an
7 attack; and to forestall the direct and imminent threat
8 of such an attack;

9 “(2) to repel an attack against the United States
10 Armed Forces located outside of the United States and
11 its territories and possessions, and to forestall the
12 direct and imminent threat of such an attack;

13 “(3) to protect citizens of the United States while
14 evacuating them as rapidly as possible from any coun-
15 try in which such citizens, there with the express or
16 tacit consent of the government of such country, are
17 being subjected to a direct and imminent threat to their
18 lives, either sponsored by such government or beyond
19 the power of such government to control: *Provided,*
20 That the President shall make every effort to terminate
21 such a threat without using the United States Armed
22 Forces: *And provided further,* That the President shall
23 where possible, obtain the consent of the government
24 of such country before using such armed forces; or

25 “(4) pursuant to specific statutory authorization.

1 “SEC. 4. The introduction of the United States Armed
2 Forces into hostilities, or into a situation described in section
3 3 of this Act, under any of the circumstances described in
4 section 3 shall be reported promptly in writing by the Presi-
5 dent to the Speaker of the House of Representatives and the
6 President of the Senate, together with a full account of the
7 circumstances necessitating such introduction, the constitu-
8 tional and legislative authority for such introduction, the esti-
9 mated scope and duration of the use of such armed forces in
10 the hostilities or situation involved, and the consistency of
11 such use with the provisions of section 3. Whenever the
12 United States Armed Forces are engaged in hostilities out-
13 side of the United States and its territories and possessions,
14 the President shall, so long as such forces continue to be
15 engaged in such hostilities, report to the Congress periodical-
16 ly on the status of such engagement as well as the scope and
17 expected duration of such engagement and such hostilities,
18 but in no event shall such report be submitted to the Con-
19 gress less often than every six months.

20 “THIRTY-DAY AUTHORIZATION PERIOD

21 “SEC. 5. (a) After the introduction of the United States
22 Armed Forces into hostilities, or into a situation described in
23 section 3 of this Act, under any of the circumstances de-
24 scribed in section 3, the use of such armed forces in the hos-
25 tilities or situation involved shall not be sustained beyond

1 thirty days from the date of such introduction except as pro-
2 vided in a specific law enacted by the Congress and pursuant
3 to the provisions thereof.

4 “(b) Notwithstanding any other provision of law unless
5 such law specifically otherwise provides by specific reference
6 to this subsection, no funds made available under any law
7 may be obligated or expended for any use of the United
8 States Armed Forces prohibited by subsection (a) of this sec-
9 tion, by section 3, or by a law or joint resolution described in
10 section 6 of this Act.

11 “TERMINATION WITHIN THIRTY-DAY PERIOD

12 “SEC. 6. The use of the United States Armed Forces in
13 hostilities, or a situation described in section 3 of this Act,
14 under any of the circumstances described in section 3 shall be
15 terminated prior to the thirty-day period specified in section
16 5(a) of this Act of Congress by a law or joint resolution so
17 directs.

18 “CONGRESSIONAL PRIORITY PROVISIONS

19 “SEC. 7. (a)(1) Any bill or resolution (pursuant to sec-
20 tion 5(a) of this Act) authorizing the continuation of the use
21 of the United States Armed Forces after their introduction, in
22 any of the circumstances described in clause (1), (2), or (3) of
23 section 3 of this Act, into hostilities or a situation described
24 in section 3 of this Act or (pursuant to section 6 of this Act)
25 directing the termination of such use, shall, if sponsored or

1 cosponsored by one-third of the Members of the House of
2 Congress in which it is introduced, be considered reported
3 out no later than one day following its introduction, unless
4 such House shall otherwise determine by yeas and nays. Any
5 such bill or resolution referred to a committee after having
6 passed one House of Congress shall be considered reported
7 out in the other House within one day after it is so referred,
8 unless such House shall otherwise determine by yeas and
9 nays.

10 “(2) Any bill or resolution so authorizing the continu-
11 ation of such use of such armed forces or so directing the
12 termination of such use shall, if not sponsored or cosponsored
13 by one-third of the Members of the House in which it is intro-
14 duced, be referred to the Committee on Foreign Affairs of the
15 House of Representatives or the Committee on Foreign Rela-
16 tions of the Senate, as the case may be, and one such bill or
17 resolution shall be reported out by such committee together
18 with its recommendations within seven calendar days, unless
19 such House shall otherwise determine by yeas and nays. Any
20 such bill or resolution, if not so sponsored or cosponsored,
21 which has been passed by one House and is to be referred to
22 a committee of the other House shall be referred in such
23 other House to the committee named in the preceding sen-
24 tence and shall be considered reported out by such committee
25 together with its recommendations within seven calendar

1 days and shall thereupon become the pending business of
2 such House and shall be voted upon within three calendar
3 days, unless such other House shall otherwise determine by
4 yeas and nays.

5 “(b) Any bill or resolution described in subsection (a) of
6 this section shall, immediately upon being reported to the
7 floor, discharged from committee, placed on the calendar, or
8 held at the desk, become the pending business of the House
9 in question (in the case of the Senate the time for debate shall
10 be equally divided between the proponents and the oppo-
11 nents) and shall be voted on within three calendar days there-
12 after, unless such House shall otherwise determine by yeas
13 and nays.

14 “(c) In the case of any disagreement between the two
15 Houses of Congress with respect to a bill or resolution de-
16 scribed in subsection (a) that is passed by both Houses, con-
17 ferees shall be promptly appointed and the committee of con-
18 ference shall make and file a report with respect to such bill
19 or resolution within three calendar days after such bill or
20 resolution is referred to the committee of conference. Not-
21 withstanding any rule in either House concerning the print-
22 ing of conference reports in the Record or concerning any
23 delay in the consideration of such reports, such conference
24 report shall be acted on by both Houses not later than three
25 calendar days after being filed. In the event the conferees are

1 unable to agree within forty-eight hours, they shall report
2 back to their respective Houses in disagreement.

3 "INTERPRETATION OF ACT

4 "SEC. 8. (a) Statutory authorization to introduce United
5 States Armed Forces into hostilities or into situations where
6 imminent introduction of such forces into hostilities is clearly
7 indicated by the circumstances (or, after such introduction, to
8 sustain the use of such armed forces in the hostilities or situa-
9 tion involved) shall not be inferred—

10 "(1) from any provision of law (whether or not in
11 effect before the date of the enactment of this Act), in-
12 cluding any provision contained in any appropriation
13 Act, unless such provision specifically authorizes such
14 introduction (or use) of such armed forces and states
15 that it is intended to constitute specific statutory au-
16 thorization within the meaning of this Act; or

17 "(2) from any treaty heretofore or hereafter rati-
18 fied unless such treaty is implemented by a law specifi-
19 cally authorizing such introduction (or use) of such
20 armed forces and stating that it is intended to consti-
21 tute specific statutory authorization within the meaning
22 of this Act.

23 "(b) Nothing in this Act shall be construed to require
24 any further specific statutory authorization to permit mem-
25 bers of United States Armed Forces to participate jointly

1 with members of the military forces of one or more foreign
2 countries in the headquarters operations of high-level military
3 commands which were established prior to the date of enact-
4 ment of this Act and pursuant to the United Nations Charter
5 or any treaty ratified by the United States prior to such date.

6 “(c) For the purposes of this Act, any reference to the
7 introduction of the United States Armed Forces shall be
8 deemed to include a reference to the assignment of members
9 of such armed forces to command, coordinate, participate in
10 the movement of, or accompany regular or irregular military
11 forces in or of any foreign country or of any foreign govern-
12 ment when such military forces are engaged, or there exists
13 an imminent threat that such forces will become engaged, in
14 hostilities.

15 “(d) For the purposes of this Act, the terms ‘introduced
16 into hostilities’ and ‘introduction into hostilities’ each include
17 commitment, engagement, and involvement in hostilities, in-
18 cluding bombardment.

19 “SEPARABILITY CLAUSE

20 “SEC. 9. If any provision of this Act or the application
21 thereof to any person or circumstance is held invalid, the
22 remainder of the Act and the application of such provision to
23 any other person or circumstance shall not be affected there-
24 by.

1 "EFFECTIVE DATE

2 "SEC. 10. This Act shall take effect on the date of the
3 enactment of the War Powers Act of 1983, but shall not
4 apply to any use of the United States Armed Forces being
5 made on such date."

6 SEC. 3. Notwithstanding the amendment made by sec-
7 tion 2 of this Act, the provisions of the War Powers Resolu-
8 tion shall continue in effect with respect to any use of the
9 Armed Forces of the United States to which the provisions of
10 such Resolution were applicable on the day before the date of
11 the enactment of this Act.

12 SEC. 4. The title of the War Powers Resolution is
13 amended to read as follows: "An Act to make rules govern-
14 ing certain uses of the Armed Forces of the United States in
15 the absence of a declaration of war by the Congress."

○

**National Security Council
The White House**

RECEIVED

System #

Package #

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4358

85 JUN 6 4:32

	SEQUENCE TO	HAS SEEN	DISPOSITION
Bob Pearson	<u>1</u>	<u>P</u>	<u>A</u>
Bob Kimmitt	_____	_____	_____
John Poindexter	_____	_____	_____
Paul Thompson	_____	_____	_____
Wilma Hall	_____	_____	_____
Bud McFarlane	_____	_____	_____
Bob Kimmitt	_____	_____	_____
NSC Secretariat	<u>2</u>	_____	<u>J</u>
Situation Room	_____	_____	_____

I = Information

A = Action

R = Retain

D = Dispatch

N = No further Action

cc: VP Meese Baker Deaver Other _____

COMMENTS

Should be seen by: _____

(Date/Time)

NSC/S PROFILE

UNCLASSIFIED

ID 8504358

RECEIVED 30 MAY 85 18

TO KIMMITT

FROM PETERSON, R

DOCDATE 29 MAY 85

KEYWORDS: WAR POWERS

LEGISLATIVE REFERRAL

SUBJECT: STATE RPT ON S-937 TO AMEND THE WAR POWERS RESOLUTION

ACTION: MEMO KIMMITT TO PETERSON

DUE: 06 JUN 85 STATUS S FILES WH

FOR ACTION

FOR CONCURRENCE

FOR INFO

~~PEARSON~~

LEHMAN, C

KIMMITT

Thompson

THOMPSON

SABLE

COMMENTS

REF#

LOG

NSC/FID

(JF)

ACTION OFFICER (S)

ASSIGNED

ACTION REQUIRED

DUE

COPIES TO

Thompson

x

5/31

Memo Kimmitt to Peterson

5/6

C

6/6

Pearson Sgd Memo

PT, Rep

DISPATCH

6/6

W/ATTCH FILE

WH (C) X

August 14, 1985

MEMORANDUM FOR THE RECORD

RE:

EXECUTIVE PRIVILEGE

On April 24, 1985, the Counsel's Office transferred to ORM several cartons of files relating to a controversy between the the Environmental Protection Agency and the House Investigations and Oversight sub Committee, chaired by John Dingell. These files were briefly identified as "EPA Files" and given Oversize Attachment numbers 437 and 438. One of those files was "Executive Privilege".

Because this folder has considerable information on the general history of "executive privilege" beyond just this particular dispute, the Counsel's Office requested that ORM remove this folder from these files and treat it as an individual folder, reducing the possibility that it might be overlooked in the future if the Counsel's Office asked for their file on this subject.

enclosures filed in
oversize Attachments # 458

C. F. 335719

MS

FE002-01

FG122

FG033

May 1, 1985

MEMORANDUM FOR THE RECORD

RE: COUNSEL'S OFFICE FILES RE
ENVIRONMENTAL PROTECTION AGENCY

The Counsel's Office recently transferred to ORM two cartons of files maintained in the West Wing relating to the a variety of allegations involving EPA and its staff.

The following is a listing of the file folders:

Box 1

James Baker letter to Representative James Scheuer
Michael Brown
Cable News Network
Contempt Vote (House Investigations & oversight Subcommittee
Representative John Dingell Correspondence with Justice Dept.
John Dingell Hearings - Notes
John Dingell Memorandum of Understanding
EPA Chronologies
EPA - Negotiation Talking Points (Sent by DOJ)
EPA - Notes from Meeting of EPA Attorneys w/EPA Office of Solid
Waste & Emergency Response
EPA Personnel
EPA - Recommendations (Cooksey Memo to Fielding)
Executive Privilege . . . see page 3 of this memo
Fielding letter to Attorney General William French Smith
James Florio - Memo of Understanding
Anne Gorsuch Correspondence with John Dingell
Anne Gorsuch Correspondence with DOJ
Anne Gorsuch Subpoena
U. S. Attorney Stan Harris Testimony before the Committee on
Public Works and Transportation
Justice Department Notes from Meeting October 1, 1982
Justice Department Response to Joint Correspondence from Senators
George Mitchell, Gary Hart, and Daniel Moynihan
Rita Lavelle
Representative Elliott Levitas - Correspondence with EPA
Elliott Levitas - Correspondence with DOJ
Elliott Levitas - Memorandum of Understanding
Robert Perry - Statement for "Environmental News"
President - Memoranda to
Representative Peter Rodino - Correspondence with DOJ
Stringfellow Site (California Acid Pits)
Representative Mike Synar - Correspondence
Mike Synar - Memorandum of Understanding
Washington Post - Stories on EPA
Four banded groups of unidentified documents which were placed in
expansion jackets by ORM

COUNSEL'S OFFICE FILES RELATING TO EPA

Box 2

EPA - Senators Chafee and Udall
EPA - Congressional Correspondence
Contempt Citations
EPA Correspondence to DOJ
EPA Dingell
EPA Dingell - Broyhill
EPA / Dingell Hearings Material 9/83
EPA / DOJ Correspondence re Dingell / Levitas
EPA General
Internal Chronology / Summary of EPA Issues
EPA Investigation Reprot 8/11/83
EPA / Levitas Amendment
EPA / Levitas Agreement 2/18/83
Presidential Memos / Anne Gorsuch
EPA / Miscellaneous
EPA / Presidential Memos re Anne Gorsuch
EPA / Press Briefings - News Articles
EPA / Press Conference Q & As / Statements
EPA / Peter Rodino
EPA / Ed Schmults - Anne Burford
EPA / Staff Contacts
EPA / Talking Points
Pending Congressional Requests for Information (in blue binder)
Two banded groups of unidentified documents were placed in
expansion jackets at the back of the carton

COUNSEL'S OFFICE FILES RELATING TO EPA

On April 24, 1985, when the Counsel's Office transferred these files to ORM, the file entitled "Executive Privilege" was included. However, because it contained information on the tradition of executive privilege beyond the EPA controversy, the Counsel's Office recommended that the file be removed and given its own Oversize Attachment number. This was done on August 14.

ID # 337540 CU

FE002-01
HH

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

- ☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
 Date Correspondence Received (YY/MM/DD) 1 / 1

Name of Correspondent: William Dawne

☐ MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Retain 4-yr Presidential Term

ROUTE TO:		ACTION		DISPOSITION	
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>Curtall</u>		ORIGINATOR	<u>85,08,20</u>		<u>C 85,08,23</u>
<u>Curt 20</u>		Referral Note:	<u>R 85,08,21</u>	<u>HH</u>	<u>A 85,08,23</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>

ACTION CODES:

A - Appropriate Action
 C - Comment/Recommendation
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 F - Furnish Fact Sheet
 to be used as Enclosure

I - Info Copy Only/No Action Necessary
 R - Direct Reply w/Copy
 S - For Signature
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FOR OUTGOING CORRESPONDENCE:

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

Comments: _____

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RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 4800 _____

Prime Subject Code: F9002-01 Secondary Subject Codes: 16001 _____

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 - 0 - Unknown
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

MEDIA CODES:

B - Box/package
C - Copy
D - Official document
G - Message
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

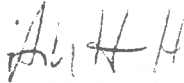
August 23, 1985

Dear Mr. Downie:

Thank you for your letter of July 11, 1985, to President Reagan. The President has received many letters requesting his endorsement of a single, six-year Presidential term. He is glad to receive opposing views such as yours. While he does have the issue under study, he does not plan to endorse either view any time soon.

Thank you for your interest in the issue and for taking the time to send your views to the President.

Sincerely,

A handwritten signature in dark ink, appearing to read 'H. Hewitt', is written above the typed name.

Hugh Hewitt
Assistant Counsel

Mr. William J. Downie
P.O. Box 47
Media, Pennsylvania 19063

7. Fielding

July 11, 1985

President Ronald Reagan
White House
Washington, D.C. 20500

From: W. Downie
P.O. Box 47
Media, Pa. 19063

Concerned Citizen for: "The Four Year Term"

The four (4) year term for the presidency of the
United States of America does not need to be changed.

- The position is too grueling and demanding for extended duration.
- We cannot afford to expend time while waiting for terms to expire. (With patience)
- We need the flexibility of change and the short duration of time.
- We do have better control over stalemates and stagnation.
- We citizens will be kept more alert and active with our just obligation to Government.
- The office holder (herself/himself) will also be obligated to remain alert and active.

Let us not stagnate the presidency! We must retain the
(4) four year term for the good of good government!

Respectfully yours,

William J. Downie
William J. Downie

(A concerned citizen for clean, reliable, dynamic government
with integrity.)

10-7-70

President's Council on
Physical Fitness
Washington, D.C.

From: Mr. [Name]
To: Mr. [Name]
Subject: [Topic]

Concerned citizens of the United States are...
The four (4) year term of the President...
United States of America...
The position is for a full and complete...
...to enter, (with...)
...to exit, (with...)
...the flexibility of change and...
...have better control over...
...citizens will be...
...the office holder...
...obligated to...

Let us not...
(4) four year term for the President...

Respectfully,
[Signature]

1985 AUG 20 PM 3:19

(a) concerned citizens for...
with integrity...

JV

ID # 344285 CU

FED02-01

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1

Name of Correspondent:

Fred L. Fielding

☐ MI Mail Report

User Codes:

(A)

(B)

(C)

Subject:

question of whether the President
has publicly opposed the six-year,
single Presidential term.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)

Action
CodeTracking
Date
YY/MM/DDType
of
Response

Code

Completion
Date
YY/MM/DD

CUHOLL

ORIGINATOR

85108129

C 85108129

Referral Note:

A

85108129

C 85108129

Referral Note:

I

85108123

C 85108129

Referral Note:

copy of HH HR to William J. Don

Referral Note:

Referral Note:

ACTION CODES:

A - Appropriate Action
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B - Non-Special Referral S - Suspended

FOR OUTGOING CORRESPONDENCE:

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

Comments:

FF notation on copy of Aug 23 85
HH letter to Mr. William Donnie

Keep this worksheet attached to the original incoming letter.

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RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: X Individual Codes: 1110

Prime Subject Code: FE002.01 Secondary Subject Codes: FB006.01
WH004

PRESIDENTIAL REPLY

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

SIGNATURE CODES:

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 n - 0 - Unknown
 n - 1 - Ronald Wilson Reagan
 n - 2 - Ronald Reagan
 n - 3 - Ron
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 n - 7 - Ronnie

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

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 L - Letter
 M - Mailgram
 O - Memo
 P - Photo
 R - Report
 S - Sealed
 T - Telegram
 V - Telephone
 X - Miscellaneous
 Y - Study

341582

✓

THE WHITE HOUSE

WASHINGTON

August 29, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

HUGH HEWITT

HHH

On the attached memo you raise the question of whether the President has publicly opposed the six-year, single Presidential term. Our files indicate that he has not. I have attached the form letter which Peter used when responding to these letters, and which I have been using in a modified form since April.

1985 AUG 30 PM 6:41

RECEIVED
JUL 20 1985

*Hugh Hewitt*THE WHITE HOUSE
WASHINGTON

August 23, 1985

*are you sure we
haven't agreed?**8/24*

Dear Mr. Downie:

Thank you for your letter of July 11, 1985, to President Reagan. The President has received many letters requesting his endorsement of a single, six-year Presidential term. He is glad to receive opposing views such as yours. While he does have the issue under study, he does not plan to endorse either view any time soon.

Thank you for your interest in the issue and for taking the time to send your views to the President.

Sincerely,

*AHH*Hugh Hewitt
Assistant Counsel

Mr. William J. Downie
P.O. Box 47
Media, Pennsylvania 19063

FORM LETTER,
Or Diskette 1PJR,
"Six-Year Term"

THE WHITE HOUSE
WASHINGTON

Dear _____:

I simply wanted to acknowledge and thank you for your recent letter requesting that the President endorse the concept of a single, six-year Presidential term.

As I am sure you know, a number of [other] prominent Americans have also expressed strong support for this proposal. While the President understands and has given serious consideration to the arguments advanced for a six-year term, he does not plan, as explained at a meeting earlier this year with several proponents of the idea, to endorse it in the near future.

Thank you again for writing.

Sincerely,

ID # **345531** **CU**

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

FE00201
[Signature]

☐ **O - OUTGOING**

☐ **H - INTERNAL**

☐ **I - INCOMING**

Date Correspondence Received (YY/MM/DD) 1 / 1

Name of Correspondent: Jany Ward the I

☐ **MI Mail Report**

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

Subject: 8yr term

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>CU Hall</u>		ORIGINATOR	<u>85.09.12</u>		<u>C</u>	<u>85.10.12</u>
<u>CUat 18</u>		Referral Note: <u>A</u>	<u>85.09.12</u>	<u>TR</u>	<u>NAN</u>	<u>C 85.10.12</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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RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: 2 Individual Codes: 4000

Prime Subject Code: 14002.01 Secondary Subject Codes: _____

PRESIDENTIAL REPLY

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C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

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 n - 0 - Unknown
 n - 1 - Nancy Reagan
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 n - 1 - Ronald Reagan - Nancy Reagan
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 L - Letter
 M - Mailgram
 O - Memo
 P - Photo
 R - Report
 S - Sealed
 T - Telegram
 V - Telephone
 X - Miscellaneous
 Y - Study

312231

10/27

Nicole:

NO RESPONSE

Pls. Close out
Jks.

qia

A. Fielding.

August 26, 1985

To Whom it may concern:

345531 *cu*

Back in time when the Constitution was first written, life was simple. So there was no purpose to have a president stay in office longer than 8 years, because if he did it would be like being a king, and the people of this new land had enough of kings.

With times changing and the operations of the president has become more complexed and still becoming even more complexed everyday. The position of president should not be limited to two terms. The terms should be decided by the people of the United States of America by their votes. If we finally get a president that can do the job of a president well, I hate to think that he would be limited to only two terms.

If my proposal is rejected, please send a list of the countries that change president as much as the U.S.

Sincerely, your
Tony C. Ward ^{the} I

1985 SEP 12 PM 4:40

342231

Pls. stamp
w/ Admin.
Sensitive
stamp

THE WHITE HOUSE
WASHINGTON

September 19, 1985

ADMINISTRATIVELY SENSITIVE - not to be released
without authority of the Counsel to the President

347126 CW

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: FRED F. FIELDING *Orig. signed by FFF*
SUBJECT: Presidential Power to Convene Congress

I. SUMMARY

As President you have constitutional authority to call Congress back into session or back from recess at any time for any purpose. You have no authority to prevent Congress from adjourning, but the threat of calling Congress back may suffice, as a practical matter, to prevent adjournment.

II. DISCUSSION

The Constitution provides that the President "may, on extraordinary occasions, convene both Houses, or either of them." Article II, Section 3. This authority has been exercised on numerous occasions throughout history. Presidents have convened Congress to deal with a broad range of matters, ranging from the Civil War and the Marshall Plan to ship subsidy legislation and an American-Canadian tariff.

President Truman was the last President to convene Congress, in 1948, as part of his attack on the so-called "do nothing" Congress. The Constitution refers to "extraordinary occasions," but it is accepted that the President himself may judge what constitutes such an occasion to justify convening Congress. There are thus no restrictions on your authority to call Congress back into session or back from recess at whatever time you determine.

You do not, however, have any legal authority to prevent Congress from adjourning. You may, of course, threaten to convene Congress if it adjourns without taking up matters you wish it to consider, and this threat may suffice to prevent Congress from adjourning. There is nothing to prevent Congress from adjourning promptly after reconvening in response to your call, but, by the same token, there is nothing to prevent you from calling Congress back again and again.

FFF:JGR:aea 9/19/85
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE
WASHINGTON

September 19, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Presidential Power to Convene Congress

Dianna conveyed your request for a memorandum for the President outlining his authority to keep Congress in session or call Congress back from a recess or adjournment. So far as I can determine, the President has no authority to prevent Congress from adjourning. He has complete and unfettered authority, however, to convene either or both Houses at any time.

Pursuant to Article II, Section 3, the President "may, on extraordinary occasions, convene both Houses, or either of them." I have found no cases construing this authority of the President. Hamilton in The Federalist No. 77 simply noted the existence of this power in a laundry list of miscellaneous Executive powers, stating that "no objection has been made to this class of authorities; nor could they possibly admit of any." He went on to state that a President may desire to convene simply the Senate, to obtain its consent to a treaty.

The Constitutional language refers to "extraordinary occasions," but it is accepted that the President may convene Congress for whatever reasons are deemed sufficient by him. B. Schwartz, A Commentary on the Constitution of the United States, Vol. II, p. 23 (1977). Past practice bears this out. Presidents have convened Congress for such purposes as tariff revision, consideration of a ship subsidy bill, and to deal with a housing shortage. A list of the occasions on which the authority has been exercised is contained at Tab A.

The last instance on which a President convened Congress was President Truman's action in 1948. The proclamation accomplishing this is at Tab B.

I am aware of no Presidential authority to keep Congress in session. Article I, Section 7, Clause 3 specifically provides that adjournment resolutions need not be presented

- 2 -

to the President. The President may threaten to convene Congress if it adjourns, to prevent it from doing so. Congress may, of course, convene and then promptly adjourn, but the President would seem to be just as free to reconvene Congress again and again.

Attachment

A COMPLETE LIST OF SPECIALLY CALLED SESSIONS OF CONGRESS
AND WHY THEY WERE CALLED

<u>Date of Session</u>	<u>General Reason Given</u>
1797, May 15	Diplomatic crisis with France <u>1/</u>
1803, October 17	Louisiana Purchase <u>2/</u>
1807, October 26	British aggression <u>3/</u>
1809, May 22	British overtures <u>4/</u>
1811, November 4	British aggression and trade problems <u>5/</u>
1813, May 24	War with Britain <u>6/</u>
1814, September 9	Further appropriations for War <u>7/</u>
1837, September 4	Banking crisis <u>8/</u>
1841, May 13	Condition of the revenue and finances <u>9/</u>
1856, August 21	Lack of Army appropriations <u>10/</u>
1861, July 4	Civil War <u>11/</u>
1877, October 15	Lack of Army appropriations <u>12/</u>
1879, March 18	Lack of Legislative, Executive, Judicial, and Army appropriations <u>13/</u>
1893, August 7	Financial crisis <u>14/</u>
1897, March 15	Condition of the revenue <u>15/</u>
1903, November 9	Convention with Cuba <u>16/</u>
1909, March 15	Revision of the Dingley Tariff Act <u>17/</u>
1911, April 4	Canadian-American reciprocal tariff <u>18/</u>
1913, April 7	Tariff revision <u>19/</u>
1917, April 2	War with Germany <u>20/</u>
1919, May 19	Domestic problems after the War <u>21/</u>
1921, April 11	Domestic problems <u>22/</u>
1922, November 20	Ship subsidy bill <u>23/</u>
1929, April 15	"Farm relief" and "tariff changes" <u>24/</u>
1933, March 9	"Drastic" economies in government <u>25/</u>
1937, November 15	Recession in industrial production <u>26/</u>
1939, September 21	"Repeal the embargo provisions of the neutrality law" <u>27/</u>
*1947, November 17	Emergency aid to Europe <u>28/</u>
*1948, July 26	Deal with inflation and housing shortage <u>29/</u>

*President Truman called Congress back, but this was not counted as a session since Congress had not adjourned sine die.

Title 3—The President

Chapter I—Proclamations

formalities for the registrations pre- of the act authoriz- of trade-marks used foreign nations or ates or with Indian the same, approved amended (15 U. S. C. countries which ac- al treatment in this the United States

RE. I, HARRY S. of the United States nd by virtue of the ne by the aforesaid do find and pro- ect to trade-marks um registered in the t Office which have wal on or after Sep- has existed during that date, because g out of World War or suspension of fa- ompliance with the malities prescribed ewal of such regis- [12 of the aforesaid 1905, as amended, strations within the aid act of July 17, accords substantially his respect to trade- o are citizens of the that accordingly the ompliance with con- ities prescribed with of registrations un- the aforesaid act of s amended, may take tended with respect s which expired after and before June 30, luding December 31,

HEREOF, I have here- and caused the Seal es of America to be

w of Washington this the year of our Lord hundred and forty- of the Independence ed States of America and seventy-second.

HARRY S. TRUMAN

L. State.

PROCLAMATION 2795

DISPLAY OF THE FLAG AT FORT MCHENRY NATIONAL MONUMENT AND HISTORIC SHRINE

WHEREAS the joint resolution of Congress of June 22, 1942, entitled "Joint Resolution to Codify and Emphasize Existing Rules and Customs Pertaining to the Display and Use of the Flag of the United States of America," as amended by the joint resolution of December 22, 1942, 56 Stat. 1074, contains the following provisions:

SEC. 2. (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaves in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

SEC. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.

and

WHEREAS Francis Scott Key, after having anxiously watched from afar the bombardment of Fort McHenry throughout the night of September 13, 1814, saw his country's flag still flying in the early morning of the following day; and

WHEREAS this stirring evidence of the failure of the prolonged attack inspired him to write the *Star-Spangled Banner*, our national anthem:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America and Commander in Chief of the Army and Navy, do hereby proclaim that, as a perpetual symbol of our patriotism, the flag of the United States shall hereafter be displayed at Fort McHenry National Monument and Historic Shrine at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the said joint resolution are modified accordingly.

IN WITNESS WHEREOF, I have here- unto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 2nd day of July in the year of our Lord nineteen hundred and forty- [SEAL] eight, and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

PROCLAMATION 2796

CONVENING THE CONGRESS

WHEREAS the public interest requires that the Congress of the United States should be convened at twelve o'clock, noon, on Monday, the twenty-sixth day of July, 1948, to receive such communication as may be made by the Executive;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Congress of the United States to convene at the Capitol in the City of Washington on Monday, the twenty-sixth day of July, 1948, at twelve o'clock, noon, of which all persons who shall at that time be entitled to act as members thereof are hereby required to take notice.

IN WITNESS WHEREOF, I have here- unto set my hand and caused to be affixed the great seal of the United States.

DONE at the city of Washington this fifteenth day of July, in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

PROCLAMATION 2797

DEATH OF GENERAL PERSHING

To the People of the United States:

It becomes my sad duty to announce officially the death of John J. Pershing, General of the Armies of the United States, who died at Walter Reed Hospital in Washington, D. C., at 3:50 a. m. on the 15th day of July, 1948.

General I life to his distinction his glorious will never b as a great a genuine t the United achieved an

As a marl ing's memc the nation: mast upon all forts a: stations, ar States, unt: taken place

IN WITN unto set r of the Un: affixed.

DONE a: 15th day o ni [SEAL] ei: of the one h

By the F G. C. Sec

PI

SUPPLEME CEMBER CARRYIN TARIFFS TRADE A TIVELY

WHERE: thority co Tariff Ac tion 1 of Joint Res and by se 5, 1945 (4 Stat. 125 ch. 269: period fo having b Act of Ju three yea 944, ch. U. S. C. 1947 the agreeme: Common: dom of Brazil. E

ID #

[347909]

CU

[FE002-01]

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 1UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ENCLOSURE(S) *dlk 9/25/14*Name of Correspondent: Abraham D. Sofaer☐ MI Mail Report

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

Subject: Response to Senator Durenberger
Re: Use of U.S. special military operations
forces in a hostage situation

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>CU Holland</u>	ORIGINATOR	<u>85/10/01</u>			<u>1 1</u>
<u>CUATO4</u>	Referral Note: <u>A/D</u>	<u>85/10/01</u>		<u>S</u>	<u>85/10/02</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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Prime Subject Code: _____ Secondary Subject Codes: _____

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DSP _____	_____	Time: _____	Media: _____

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n - 7 - Ronnie

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n - 0 - Unknown
n - 1 - Nancy Reagan
n - 2 - Nancy
n - 3 - Mrs. Ronald Reagan

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

MEDIA CODES:

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

THE FOLLOWING MESSAGE WAS INADVERTENTLY LEFT OUT
OF THE PACKAGE:

Fred,

I don't mind sending it, but the letter at Tab 2
seems unresponsive and could create an unfortunate
impression. I see nothing objectionable in the
letter at Tab 1.

Abe

MBB TOOK MESSAGE OVER THE PHONE 11:00 am.

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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>
165821	MEMO ABRAHAM SOFAER TO FRED FIELDING, RE: RESPONSE TO SENATOR DURENBERGER	2	9/30/1985	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]

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]

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

T
A
B
1

is this the best example
panhandling

eg 1. invitation to
host country

2. on-board us
ships stationed
off coast

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165822	LETTER DRAFT LETTER TO CHAIRMAN OF SENATE INTELLIGENCE COMMITTEE FROM ABRAHAM SOFAER p.1	3	ND	B1

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

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1 strike
challenge

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ID	Document Type	No of pages	Doc Date	Restric- tions
	Document Description			
165822	LETTER	3	ND	B1
	DRAFT LETTER TO CHAIRMAN OF SENATE INTELLIGENCE COMMITTEE FROM ABRAHAM SOFAER <i>p 2-3</i>			

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165824	LETTER DRAFT LETTER TO CHARIMAN OF THE SENATE INTELLIGENCE COMMITTEE FROM ABRAHAM SOFAER	2	ND	B1

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

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