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COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
FACSIMILE (202) 225-3974
MINORITY (202) 225-5051
TTY (202) 225-6852

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November 6, 2001

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

Dear Mr. President:

We were dismayed to learn that you changed the Executive Order governing the release of Presidential records in a manner that will decrease public access to these records. We urge you to rescind that order. If your Administration believes that the Presidential Records Act needs clarification, we urge you to consult with Congress and the public before taking such action.

The new Executive Order contains provisions that could drastically restrict public access to important records. It allows the sitting President to withhold the records of a former President, even if that President wants those records released. In addition, the order requires the public to show a specific need for a document before it is released.

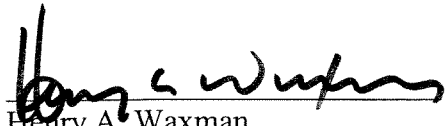
These provisions clearly violate the intent of the law. The Presidential Records Act was passed by Congress to assure full public access to Presidential records after a reasonable interval of time. The goal of the law is the orderly and systematic release of records – not the indefinite suppression of these historically important documents.

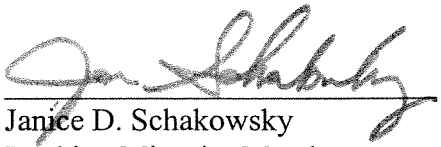
We are particularly concerned that the Executive Order tries to rewrite the Act by withholding records that are a part of the deliberative process. The Presidential Records Act specifically states that the deliberative process exemption of the Freedom of Information Act cannot be used as a reason to withhold Presidential records after the 12-year period has passed. In addition, the Executive Order specifies that in the event of the death or disability of a President, the family of the President shall determine disposition. The law clearly delegates this authority to the Archivist of the United States.

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The Executive Order violates the intent of Congress and keeps the public in the dark. We urge you to rescind this executive order and instead begin a dialogue with Congress and the public to determine the need for clarification of this law.

Sincerely,


Henry A. Waxman
Ranking Minority Member
Committee on Government Reform


Janice D. Schakowsky
Ranking Minority Member
Subcommittee on Government
Efficiency, Financial Management,
and Intergovernmental Relations