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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name SHEPHERD, J MICHAEL: FILES

Withdrawer

AEM 4/30/2019

File Folder FOIA KISSINGER COMMISSION: FOIA/SHEPHERD
CHRON (2OF 9)

FOIA

F15-0053/01

Box Number 13977

KEYS

3

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
1	MEMO	FOR: JAY B. STEPHENS FROM: J. MICHAEL SHEPHERD SUBJECT: FREEDOM OF INFORMATION ACT REQUEST, WITH ATTACHMENTS	15	12/8/1986	B7(C) B7(D)
2	MEMO	FOR: JAY B. STEPHENS FROM: J. MICHAEL SHEPHERD SUBJECT: ATTACHED CORRESPONDENCE	1	12/4/1986	B6
3	MEMO	FOR: PETER J. WALLISON FROM: J. MICHAEL SHEPHERD SUBJECT: AGREEMENT, WITH ATTACHMENTS	10	11/26/1986	B6
4	MEMO	FOR: PETER J. WALLISON FROM: J. MICHAEL SHEPHERD SUBJECT: PROPOSED AGREEMENT, WITH ATTACHMENTS	10	11/7/1986	B6 B7(C)
5	MEMO	FROM: J. MICHAEL SHEPHERD SUBJECT: FOI/PA REQUEST OF JEFF GOLDBERG [PARTIAL]	1	10/22/1986	B6 B7(C)

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

B-1 National security classified information [(b)(1) of the FOIA]

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1	MEMO	15	12/8/1986	B7(C)
	FOR: JAY B. STEPHENS FROM: J. MICHAEL SHEPHERD SUBJECT: FREEDOM OF INFORMATION ACT REQUEST, WITH ATTACHMENTS			B7(D)

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DOC Document Type

No of Doc Date Restric-
pages tions

NO Document Description

2 MEMO

1 12/4/1986 B6

FOR: JAY B. STEPHENS FROM: J. MICHAEL
SHEPHERD SUBJECT: ATTACHED
CORRESPONDENCE

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

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3	MEMO	10	11/26/1986	B6
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FOR: PETER J. WALLISON FROM: J. MICHAEL
SHEPHERD SUBJECT: AGREEMENT, WITH
ATTACHMENTS

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

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THE WHITE HOUSE

WASHINGTON

November 21, 1986

MEMORANDUM FOR JAY B. STEPHENS

FROM: J. MICHAEL SHEPHERD *JMS*
SUBJECT: Attached FOIA Request

Pat Weber of the Office of Media Relations forwarded the attached Freedom of Information Request regarding Lyn Nofzinger and Wedtech Corporation from Josh Barbanel of the New York Times to this office for response. I informed her of our usual practice of declining FOIA requests submitted to the White House Office. She saw no reason to treat this request any differently. Indeed, I believe that if we did treat reporters' requests differently, we would receive thousands of other demands.

Attached for your review and signature is a standard letter to Mr. Barbanel.

Attachments

JBS/MSJ:JEN
JBStephens
JMShepherd ✓
Chron.

THE WHITE HOUSE
WASHINGTON

December 2, 1986

Dear Mr. Barbanel:

Your letter of November 6, 1986, requesting information under the Freedom of Information Act about Wedtech Corporation, recently was referred to this office for response by the Office of Media Relations. The United States Supreme Court has held that, as an "entity whose sole function is to advise and assist the President," the White House Office is not an "agency" subject to the Freedom of Information Act. Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136, 156 (1980).

Accordingly, we must respectfully decline to comply with your request.

Sincerely,

ORIGINAL SIGNED BY J.B.S.

Jay B. Stephens
Deputy Counsel to the President

Mr. Josh Barbanel
The New York Times
229 West 43rd Street
New York, NY 10036

THE WHITE HOUSE

WASHINGTON, D.C.

November 17, 1986

MEMORANDUM FOR W. M. MCDONALD
DIRECTOR
FREEDOM OF INFORMATION AND SECURITY REVIEW

FROM: J. MICHAEL SHEPHERD *JMS*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Freedom of Information Act Request of
Mark Hertsgaard 86-FOI-112

As requested by your memorandum of November 10, 1986, this office has reviewed the attached documents you referred to us in connection with the Freedom of Information Act request of Mark Hertsgaard. We have no objection to the release of these documents.

Thank you for bringing this matter to our attention.

Attachments

THE WHITE HOUSE

WASHINGTON

November 17, 1986

MEMORANDUM FOR PATRICIA L. MANN
FREEDOM OF INFORMATION OFFICER
INTERNATIONAL TRADE ADMINISTRATION
DEPARTMENT OF COMMERCE

FROM: J. MICHAEL SHEPHERD *JMS*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Freedom of Information Act Request of Max Holland

As requested by your letter of November 13, 1986, this office has reviewed the three documents which were identified by the International Trade Administration in responding to a Freedom of Information Act request from Max Holland. We have no objection to the release of the letters to James A. Baker III and Edwin Meese III. We believe, however, that a portion of the attached memorandum from Wendell Gunn on the Houdaille case reflects pre-decisional discussions within the Executive branch, and should be withheld pursuant to Exemption (b)(5). As requested in your letter, I have marked the relevant section of that memorandum.

Thank you for bringing this matter to our attention.

Attachments

November 17, 1986

MEMORANDUM FOR JAY B. STEPHENS
DEPUTY COUNSEL TO THE PRESIDENT

MARK L. SULLIVAN
ASSOCIATE DIRECTOR
OFFICE OF PRESIDENTIAL PERSONNEL

FROM: J. MICHAEL SHEPHERD *Jms*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: ACUS Judicial Review Committee Consideration
of FOIA Ombudsman Proposal

Pursuant to our conversation on Friday afternoon, I spoke today with Kevin Jones, Deputy Assistant Attorney General, Office of Legal Policy, about the proposed creation of a FOIA Ombudsman in the Department of Justice. The proposal is being considered by the Judicial Review Committee of the Administrative Conference of the United States ("ACUS"). Jones informed me of two factors that I believe make substantial White House involvement in this issue unnecessary at this time: (1) the matter will not come before ACUS for formal consideration until next June; and (2) Deputy Attorney General Burns will write to ACUS Chairman Marshall Breger to voice the Justice Department's opposition to the proposal before the December 4, 1986, meeting of the Judicial Review Committee.

The last ACUS Council meeting before the Conference's December 4 plenary session was today. Because the proposed establishment of a FOIA Ombudsman in the Justice Department was not considered and approved by the Council for formal action, it will not come before ACUS until the next plenary session, in June. Of course, the Administration should continue to oppose the proposal in the committee, particularly because it may be an attempt by proponents to obtain independent support for a planned legislative initiative.

General Burns has discussed this proposal with Marshall Breger and Tom Sussman (the Chairman of the Judicial Review Committee and, as an aide to Senator Kennedy, a principal draftsman of the 1974 FOIA amendments). While Burns originally expressed interest in the idea, which was presented to him as a public relations opportunity to respond to criticism about government secrecy, further consideration has revealed the potential problems we discussed Friday. With advice from the Civil Division, the Office of Legal Policy is preparing a letter for Burns' signature, expressing Justice's reservations about the plan. The

draft letter will be presented for his signature after it has been reviewed by Steve Markman, who will return from the Soviet Union at the end of this week.

My review of the attached documents confirms the concerns we discussed. I believe that the establishment of a position in the Justice Department to perform independent investigations of its FOIA determinations, and provide a record of its findings to the requester, would add an additional layer of bureaucracy and introduce an adversarial aspect to the early stages of FOIA review that would slow down the process. If ACUS finds that the Justice Department, or any other agency, is doing a poor job handling its FOIA responsibilities, there are other ways to improve that performance. Moreover, even if a pilot program is to be established, I think Justice would not be the best place to start in light of the volume of FOIA requests it receives directed to such law enforcement components as the FBI, the Bureau of Prisons, the Drug Enforcement Administration, and the Immigration and Naturalization Service.

Attachments

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4	MEMO	10	11/7/1986	B6
	FOR: PETER J. WALLISON FROM: J. MICHAEL SHEPHERD SUBJECT: PROPOSED AGREEMENT, WITH ATTACHMENTS			B7(C)

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November 4, 1986

Unclassified
(with SECRET attachments)

AMT
11/19/86

MEMORANDUM FOR BRENDA S. REGER
DIRECTOR
INFORMATION POLICY/SECURITY REVIEW

FROM: J. MICHAEL SHEPHERD *JMS*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Attached FOIA Referral from the FBI

Attached for your review are secret documents referred to this office by the Federal Bureau of Investigation pursuant to the Freedom of Information Act request of Scott Armstrong.

We would appreciate the views of the National Security Council on the availability of the documents under the FOIA.

Thank you.

Attachments

THE WHITE HOUSE
WASHINGTON

October 22, 1986

MEMORANDUM FOR



6910

FROM:

J. MICHAEL SHEPHERD *JMS.*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT:

FOI/PA Request of Jeff Goldberg:
FBI FOI/PA # 270,258

As requested by your memorandum of October 15, 1986, this office has reviewed the document you referred to us in connection with the Freedom of Information and Privacy Acts request of Jeff Goldberg. We have no objection to the release of the document.

Thank you for bringing this matter to our attention. As discussed with Aileen Livingston, we are returning these materials to you for a direct response.

Attachments

THE WHITE HOUSE

WASHINGTON

October 6, 1986

Am
4/30/2019
Unclassified with TOP SECRET Attachments

MEMORANDUM FOR BRENDA S. REGER
DIRECTOR
INFORMATION POLICY/SECURITY REVIEW

FROM: J. MICHAEL SHEPHERD *JMS*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Attached FOIA Referral from the FBI

The Federal Bureau of Investigation has requested the views of this office regarding the availability of the attached documents for release under the attached Freedom of Information Act request of John Williams. Because the documents are classified, I am referring them to your office for review.

Thank you.

Attachments