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WITHDRAWAL SHEET

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FOIA

F15-0053/01

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KEYS

8

DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
1	MEMO	FROM: RICHARD HAUSER SUBJECT: FOI/PA REQUEST OF ISIDOR RABI [PARTIAL]	1	2/28/1986	B6 B7(C)

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

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

THE WHITE HOUSE

WASHINGTON

April 22, 1986

MEMORANDUM FOR PETER J. WALLISON
COUNSEL TO THE PRESIDENT

FROM: J. MICHAEL SHEPHERD *JMS*

SUBJECT: Privacy Act Request of Ambassador
Anne C. Martindell

The attached correspondence between Deborah Owen of this office and William T. Sutphin concerns the Privacy Act request Mr. Sutphin submitted in September 24, 1985 on behalf of his client, former Ambassador to New Zealand Anne C. Martindell. The original request was directed to Ed Wilson and apparently was routed to this office by mistake. Debbie declined to comply with the request on the ground that the White House Office is not an "agency" subject to the Privacy and Freedom of Information Acts. Mr. Sutphin wrote back on April 11, 1986.

I called Mr. Sutphin today to resolve his questions. He informed me that it was his intention to submit his request to the Executive Office of the President, not the White House Office.

I recommend that you refer this matter to Arnold Intrater for a response regarding the EOP. Attached for your review and signature are a referral memorandum to Arnie and a letter to Mr. Sutphin advising him of the referral.

Attachments

THE WHITE HOUSE

WASHINGTON

April 23, 1986

MEMORANDUM FOR ARNOLD INTRATER
GENERAL COUNSEL
OFFICE OF ADMINISTRATION

FROM: PETER J. WALLISON
COUNSEL TO THE PRESIDENT

SUBJECT: Privacy Act Request of Ambassador Anne C. Martindell

Attached for whatever action, if any, you deem appropriate is a request under the Privacy Act for information in the possession of the Executive Office of the President regarding former Ambassador Anne C. Martindell. The original request of September 24, 1985, addressed to Ed Wilson, was apparently mistakenly routed to this office, which declined to respond because the White House Office is not an "agency" subject to the Privacy and Freedom of Information Acts. Ms. Martindell's attorney responded that he is interested in any Executive Office of the President information about her.

Thank you for your assistance. This office has no continuing interest in this matter.

Attachments.

THE WHITE HOUSE

WASHINGTON

April 23, 1986

Dear Mr. Sutphin:

Thank you for your letter of April 11, 1986 to former Associate Counsel to the President Deborah K. Owen regarding the Privacy Act request you submitted on behalf of Ambassador Anne C. Martindell. As you discussed on April 22, 1986 with Michael Shepherd of this office, we have referred the request to the Office of Administration, which will respond to you directly.

Sincerely,

Peter J. Wallison
Counsel to the President

William T. Sutphin, Esquire
1000 Herrontown Road
Princeton, NJ 08540-7702

April 21, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM:

J. MICHAEL SHEPHERD *JMS*

SUBJECT:

FOIA Litigation - Howard Willens, et al., v. NSC

The attached papers supporting a motion for summary judgment in a Freedom of Information Act case involving NSC were sent to you for clearance by Paul Thompson of NSC. They relate to the April 14, 1983 FOIA request of Ms. Deanne Siemer seeking documents relating to negotiations between the United States and the Pacific Trust Territories, the Northern Mariana Islands. Her husband, Howard Willens, has joined her in bringing this case. Of the 163 documents found to be responsive to Ms. Siemer's request, 109 were released in full; 39 were released in part; and 15 were withheld in full.

The attached papers cite several reasons for the decision not to release all of the documents: some are White House documents and thus not subject to compelled disclosure because the White House is not an "agency" subject to the FOIA; others are classified (exemption (b)(1)); most reflect pre-decisional, deliberative debates within the government (exemption (b)(5)); and one document relates to internal personnel matters (exemption (b)(2)).

I have reviewed the attached Statement of Material Facts, Memorandum of Points and Authorities, and supporting statements and have no objection to their being filed with the court. I agree with the handwritten change to paragraph 11 of the Statement of Material facts that the assertion of the interest in protecting pre-decisional documents not be restricted to NSC personnel and have no objections to the other editing reflected in the attached drafts.

Attached for your review and signature is a memorandum for Paul Thompson stating that this office has no legal objection to the submission of these documents. You will note that Paul's memorandum asks that we return the attached documents to him.

Attachments

April 21, 1986

MEMORANDUM FOR PAUL B. THOMPSON
MILITARY ASSISTANT TO THE ASSISTANT
TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS
NATIONAL SECURITY COUNCIL

FROM: PETER J. WALLISON
COUNSEL TO THE PRESIDENT

SUBJECT: Howard Willens, et. al., v. NSC

As you requested by your memorandum of April 17, 1986, this office has reviewed the attached Statement of Material Facts and Memorandum of Points and Authorities and has no legal objection to their being filed with the court. We share the concern expressed in the handwritten change to paragraph 11 of the Statement of Material Facts that the assertion of the interest in protecting documents reflecting the deliberative process not be restricted to NSC personnel and have no objection to the other editorial changes made by the Justice Department.

Thank you for bringing this matter to our attention.

Attachments

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

April 17, 1986

MEMORANDUM FOR PETER WALLISON
Counsel to the President
Paul
FROM: PAUL B. THOMPSON
SUBJECT: FOIA Litigation
Howard Willens, et al., v. NSC
CA No. 85-1400

This case involves information withheld in response to a Freedom of Information Act request of Deanne Siemer/Howard Willens for documents relating to negotiations (1965-1977) between the U.S. and the Northern Mariana Islands.

Attached at Tab I for your clearance are the Statement of Material Facts and Memorandum of Points and Authorities which we intend to file with the Court Monday afternoon, April 21. Please give us your views on these two documents by 10 a.m. Monday.

Also provided for your background use at Tab II are the Supplemental Declaration and Index which we've already cleared for Justice to file.

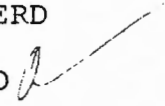
We ask that you return the documents to us with your response.

Attachments

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

April 18, 1986

MEMORANDUM FOR MICHAEL SHEPHERD

FROM: DONNA M. SIRKO 

SUBJECT: FOIA Litigation
Howard Willens, et al., v. NSC
CA No. 85-1400

Per my conversation with Mary Beth (Peter Wallison's office) attached for your clearance are (1) the revised Statement of Material Facts and (2) the revised Memorandum for Points and Authorities (as today changed by the Department of Justice) which are to be substituted for the documents in Tab I of Paul Thompson's memorandum to Peter Wallison (copy attached).

Attachments

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

April 18, 1986

MEMORANDUM FOR MICHAEL SHEPHERD

FROM: DONNA M. SIRKO *DMS*

SUBJECT: FOIA Litigation
Howard Willens, et al., v. NSC
CA No. 85-1400

Per my conversation with Mary Beth (Peter Wallison's office) attached for your clearance are (1) the revised Statement of Material Facts and (2) the revised Memorandum for Points and Authorities (as today changed by the Department of Justice) which are to be substituted for the documents in Tab I of Paul Thompson's memorandum to Peter Wallison (copy attached).

Attachments

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THE WHITE HOUSE

WASHINGTON

April 8, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM: J. MICHAEL SHEPHERD *Jms*

SUBJECT: Invitation to Andrew Card to Testify

By the attached letter of March 13, 1986, Chairman Morris K. Udall of the House Committee on Interior and Insular Affairs "cordially invited" Andrew H. Card, Special Assistant to the President for Intergovernmental Affairs, to testify on Thursday, April 10 on a report prepared by the General Accounting Office entitled "Issues Affecting U.S. Territory and Insular Policy."

As the attached April 7, 1986 memorandum from David Waller indicates, the invitation was directed to Mr. Card because of the responsibility the Office of Intergovernmental Affairs has in matters regarding Puerto Rico.

It is long-standing White House policy respectfully to decline requests for the testimony of members of the White House staff. I believe that Chairman Udall framed his request as an invitation in recognition of this policy. It is a central tenet of the doctrine of separation of powers that the President is not subject to questioning regarding the manner in which he formulates Executive policy. This principle traditionally also has been applied to members of the President's personal staff, who participate in the deliberative process. Testimony about this confidential process would inhibit the candor necessary to deliberation.

Attached for your review and signature is a letter to Chairman Udall declining his invitation on behalf of Mr. Card. It is based on similar letters from Fred Fielding responding to past requests, especially the attached letter of February 25, 1986 declining Rep. Frank's request for White House testimony and documents relating to the President's removal of Loretta Cornelius as Deputy Director of the Office of Personnel Management.

Because the testimony is scheduled for April 10, I recommend that the letter be delivered by hand.

Attachments

April 8, 1986

Dear Chairman Udall:

I have been asked to respond to your letter of March 13, 1986 to Andrew H. Card, Jr., Special Assistant to the President for Intergovernmental Affairs, inviting him to appear and testify before the Committee on Interior and Insular Affairs on April 10, 1986. I regret that we must respectfully decline your invitation for Mr. Card's testimony.

From the Administration of George Washington to the present day, it has been a central tenet of the doctrine of separation of powers among the three branches of the Federal Government that the President is not subject to questioning as to the manner in which he formulates Executive policy. Traditionally, this elemental principle has also been applied to members of the President's personal staff, who participate in the deliberative process through which such policies are developed.

This Constitutional privilege of the Chief Executive is founded in practicality as well as tradition and law. The President cannot fulfill his Constitutional duties without the frank and candid advice of his closest associates. Such candor is possible only in an atmosphere that ensures that the advice will remain confidential, so that all options and views will be fully presented, candidly considered and openly expressed as the President develops his policies and programs. Thus, to present testimony would set an undesirable precedent that would seriously inhibit the ability of Presidential advisors, now and in the future, to function effectively in providing support to the Presidency.

For the foregoing reasons, Mr. Card is not at liberty to present testimony to the Committee relating to the performance of his official duties for the President. We recognize, of course, the Committee's desire to hear testimony on these matters, but trust that you appreciate the reasons for this response.

Sincerely,

Peter J. Wallison
Counsel to the PresidentThe Honorable Morris K. Udall
Chairman, Committee on Interior and
Insular Affairs
U.S. House of Representatives
Washington, D. C. 20515

April 3, 1986

MEMORANDUM FOR JAMES C. MURF
ASSISTANT DIRECTOR FOR LEGISLATIVE REFERENCE
OFFICE OF MANAGEMENT AND BUDGET

FROM: J. MICHAEL SHEPHERD *JMS*
ASSISTANT COUNSEL

SUBJECT: Draft Bill to Amend the Freedom of Information Act

As requested by your legislative referral memorandum of March 18, 1986, this office has reviewed the House Government Operations Subcommittee draft bill to amend the Freedom of Information Act and has no legal objection to its enactment. While we recognize that this draft represents compromises reached during the drafting process between members of the subcommittee staff and officials of the Justice Department, and the importance of the proposed law enforcement and business submitter protections, this memorandum notes several legal policy concerns that we believe to be relevant to your consideration of the relationship of the draft bill to the program of the President.

1. Section 552(a)(4)(B)(i) provides: "In an action -- based on a complaint by a requester, the court shall have jurisdiction over any submitter of information contained in the requested records, and any such submitter may intervene as of right in the action." This proposed section would appear to grant the court jurisdiction over the submitter in the typical case of a challenge to the agency's denial of a request, even if the submitter has decided not to intervene in the action. It could, therefore, bring before the court submitters, such as foreign corporations, over whom the court would otherwise not have jurisdiction. We recommend that the subsection be amended to read: "In an action -- based on a complaint by a requester, any submitter of information contained in the requested records may intervene as of right in the action." This change would leave to the submitter the decision of whether to accept the court's jurisdiction by intervening to represent its interests.

2. Although we acknowledge the strong press support for a section providing for expedited access to agency records, we note that complying with § 552(a)(6)(D) would place considerable additional burdens on agency FOIA officers and involve considerable additional expense. Additional burdens also would be placed on the public by requiring submitters to provide written objections to the request within five working days after receipt of notice. Finally, by eliminating the requirement of exhaustion of administrative remedies in expedited access cases, the provision could significantly increase federal court caseloads.

3. The draft bill also would amend the FOIA to define the Smithsonian Institution, the Council of Economic Advisers, and the Administrative Office of the United States Courts as "agencies" subject to the Act. With respect to the Council of Economic Advisers, this amendment would overrule Rushforth v. Council of Economic Advisers, 762 F.2d 1038, 1043 (D.C. Cir. 1985), which held that the CEA is not an agency subject to the FOIA because its sole role is to advise and assist the President. See Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136, 156 (1980).

We defer to the CEA on the impact of this proposal on its operations and ability to provide advice to the President, but recommend that the Administration vigorously oppose such Congressional efforts to subject additional components of the Executive Office of the President to the FOIA.

THE WHITE HOUSE

WASHINGTON

March 14, 1986

4 14 2019
Unclassified with TOP SECRET, HANDLE
VIA COMINT CHANNELS ONLY Attachments

MEMORANDUM FOR RICHARD A. HAUSER

FROM: J. MICHAEL SHEPHERD *JMS*

SUBJECT: FOIA Request Regarding the "Huston Plan"

James K. Hall, Chief of the FBI's Freedom of Information - Privacy Acts Section, referred the attached documents for this office's comments on the availability of those documents originated at the White House under the FOIA. David Waller referred this matter to me. The attached FOIA request from Professor Stanley I. Kutler of the University of Wisconsin-Madison asks for "all Federal Bureau of Investigation materials relative to the consideration of the so-called Huston Plan, May-August, 1970." Professor Kutler's letter states further that he "would appreciate any Hoover memoranda, memoranda by other FBI officials, and any other Bureau papers relative to the Huston Plan." The Huston Plan was named for former Associate Counsel to President Nixon Tom Charles Huston. It involved substantial reductions in the restraints on the domestic activities of intelligence agencies in gathering information about radical groups in the early 1970's.

I have clipped the seven documents in the attached file that were originated in the White House. I do not believe that any of them is responsive to Professor Kutler's request for "Federal Bureau of Investigation materials" and "Hoover memoranda, memoranda by other FBI officials, and any other Bureau papers relative to the Huston Plan." As is described below, moreover, the relevant documents are available in print. Consequently, I recommend that you ask Mr. Hall not to release any of the White House-originated documents in the file. This memorandum reviews, however, each of the seven relevant documents in the order in which it appears in the file.

Five of the relevant documents were reproduced in whole or in substantial part as exhibits to the report of the Hearings of the Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities. 94th Cong. 1st Sess. vol. 2. ("Church Committee Report"). A footnote to the Table of Contents indicates that "[u]nder criteria determined by the Committee, in consultation with the White House . . . certain materials have been deleted from those documents, some of which were previously classified, to maintain the internal operating procedures of the agencies involved, and to protect intelligence sources and methods (Emphasis supplied).

I presume, but I have been unable to confirm through Jane Dannenhauer, that the documents, as they appeared in the Church Committee Report, are unclassified. The FBI has declassified its documents in the attached file, but is unable to declassify documents that originated in the White House. I believe that we should at least treat the portions of the attached documents that were not published as still classified.

1. July 23, 1970 memorandum for J. Edgar Hoover from Tom Charles Huston. This document is still classified Top Secret, Handle Via Comint Channels Only. I do not believe that it merits continued classification, at least at this level. An identical memorandum from Huston to former CIA Director Richard Helms, with two deletions, was included in the exhibits to the Church Committee Report (pp. 199-200). Once declassified, with the same deletions, I believe that the document could be released.

2. September 18, 1970 memorandum for former Attorney General John Mitchell from John W. Dean. This document is classified Top Secret, but is reproduced in its entirety in the Church Committee Report (pp. 255-257). If you determine that these documents are responsive, and that the FBI should not simply direct Professor Kutler to the Church Committee Report, this memorandum could be declassified and released.

3. September 21, 1970 memorandum for H. R. Haldeman from Tom Charles Huston entitled "IRS and Ideological Organizations." This unclassified document is the cover memorandum to a report from IRS Commissioner Randy Thrower on the Special Service Group, "a special compliance group [that] was established to receive and analyze all available information on organizations and individuals promoting extremist views and philosophies." (Thrower memorandum at p. 2). The White House-originated cover memorandum was reproduced in its entirety in the Church Committee Report (p. 395). I believe that it is unresponsive. I assume that the underlying Thrower memorandum, which is not in the Church Committee Report, will be referred by the FBI to IRS for review. I recommend that you flag this document for Mr. Hall in your response.

4. September 10, 1970 memorandum for H. R. Haldeman from Tom Charles Huston. This unclassified memorandum conveys Mr. Huston's concern that Peter Flanigan's efforts to develop policies designed to reduce skyjacking incidents would be frustrated by FBI Director Hoover's reluctance to cooperate with other intelligence agencies. Even should you decide that the other memoranda are responsive to Professor Kutler's request, I believe that this document is unresponsive and should not be released.

5. August 25, 1970 memorandum for H. R. Haldeman from Tom Charles Huston regarding the Subversive Activities Control Board. This unclassified memorandum reports to Mr. Haldeman on the Senate vote approving the board's budget, and makes several personnel recommendations. In the final sentence Mr. Huston observes, "After the bombing at Madison, I suspect that the public is fully prepared to accept the concept that the Federal Government ought to take an active interest in the activities of violent-action organizations, as we propose in the Executive Order." By August 25, 1970, President Nixon had approved and then disapproved the Huston Plan, so I do not believe that the executive order to which he alludes is relevant to the request. As a practical matter I do not believe that release of the document would do any harm, but I do not believe that it is responsive to the request.

6. July 14, 1970 memorandum for Mr. Huston from H. R. Haldeman. This Top Secret document reports President Nixon's decisions on the plan to Mr. Huston. It appears in its entirety in the Church Committee Report, without classification (p. 198). Mr. Haldeman's memorandum does not indicate attachments, but the next document in the file is apparently the decision memorandum for President Nixon on this issue. It is classified Top Secret, Handle Via Comint Channels Only. It appears in its entirety in the Church Committee Report, without classification markings (pp. 193-197). If you decide it is responsive, it should be declassified and released.

7. August 5, 1970 memorandum for H. R. Haldeman from Tom Charles Huston. This Top Secret, Handle Via Comint Channels Only document appears, with paragraph two redacted, in the Church Committee Report (pp. 249-253). I believe that the document is available for release, with that paragraph redacted.

I recommend that we meet and review these materials. I will then prepare a response memorandum.

Attachments

THE WHITE HOUSE

WASHINGTON

March 7, 1986

MEMORANDUM FOR SPENCE W. PERRY
ACTING GENERAL COUNSEL
FEDERAL EMERGENCY MANAGEMENT AGENCY

FROM: RICHARD A. HAUSER Original signed by RAH
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Attached FOIA Request

Leo Neshkes, FOIA/PA Control Officer in the Antitrust Division of the Justice Department, sent the attached letter and document to Fred Fielding for the recommendation of this office on its availability under the Freedom of Information Act. Because the document, "Report of National Security Investigation of Miniature and Instrument Precision Ball Bearings" was prepared by the Office of Emergency Preparedness, I am referring it for your review and direct response to Mr. Neshkes.

Thank you for your assistance in this matter.

Attachment

RAH/JMS:kl
RAHauser
JMShepherd
Subj.
Chron.

THE WHITE HOUSE

WASHINGTON

March 7, 1986

MEMORANDUM FOR LEO D. NESHKES
FOIA/PA CONTROL OFFICER
ANTITRUST DIVISION
DEPARTMENT OF JUSTICE

FROM: RICHARD A. HAUSER ^{Original signed by RAH}
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: FOIA Referral

Thank you for your letter of February 28, 1986 to Counsel to the President Fred F. Fielding referring a document entitled "Report of National Security Investigation of Imports of Miniature and Instrument Precision Ball Bearings" for the recommendation of this office on its availability under the Freedom of Information Act. Because it was prepared by the Office of Emergency Preparedness, I have referred the document to that office's successor, the Federal Emergency Management Agency. They will respond to you directly.

RAH/JMS:kl
RAHauser
JMShepherd ✓
Subj.
Chron.

THE WHITE HOUSE
WASHINGTON
March 4, 1986

JMS -
Thank you ✓
/

MEMORANDUM FOR FRED F. FIELDING

FROM: J. MICHAEL SHEPHERD *JMS*
SUBJECT: Subjecting CEA to the FOIA

Your comments to my attached February 28, 1986 memorandum ask (1) whether the inclusion of the "Executive Office of the President" in the definition of agencies subject to the Freedom of Information Act in the draft bill is a change in current law, and (2) whether that definition would include the White House Office.

(1) Although the ramseyer version of the draft bill, by underlining the entire paragraph, indicates that its provisions are entirely new, current law includes the Executive Office of the President in the definition of agencies subject to the FOIA:

For purposes of this section, the term "agency" as defined in section 551(1) of this title includes any executive department, military department, Government corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.
5 U.S.C. § 552(e).

Under this provision, for example, the National Security Council, the Office of Management and Budget and other offices in the Executive Office of the President are subject to the FOIA.

(2) This new definition, which changes current law only with respect to the listed agencies, would not subject the White House Office to the FOIA. Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136, 156 (1980).

Attachment

THE WHITE HOUSE

WASHINGTON

February 28, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM: J. MICHAEL SHEPHERD *JMS*

SUBJECT: Subjecting CEA to the FOIA

Attached for your information is a copy of a draft bill that would significantly amend the Freedom of Information Act. Of particular interest to this office, the draft bill contains a new definition of "agency" that would subject the Council of Economic Advisers to the FOIA. (See attached draft at p. 30. Also specifically included would be the Smithsonian Institution and the Administrative Office of United States Courts.) The bill would thus overturn Rushforth v. Council of Economic Advisers, 762 F.2d 1038, 1043 (D.C. Cir. 1985), which held that the CEA was not an agency subject to the FOIA because its sole function is to advise and assist the President.

The proposed legislation will be circulated next week as a discussion draft by OMB. It is the product of discussions between the Justice Department's Office of Legal Policy and several staffers of Chairman English's Government Information, Justice, and Agriculture Subcommittee of the House Government Operations Committee. It is not expected to be introduced by Rep. English for at least several weeks. I am bringing this matter to your attention now because I believe that CEA can be more successful in opposing this provision before the bill is introduced. I expect that the Chief Justice's office may raise similar concerns about the Administrative Office and, perhaps, the Smithsonian.

The draft bill contains many provisions important to the Administration, including additional exemptions for FBI documents relating to ongoing investigations, intelligence, and terrorism. It also would provide for notice and an opportunity to comment on proposed disclosures to business submitters. Consequently, it would be difficult to recommend Administration opposition to the bill based on this point. Indeed, opposition might result in a decoupling of the law enforcement protections from the business submitter locomotive.

It is not clear how important these provisions are to the House drafters. The House report on the 1974 amendments also included provisions, which were deleted in the conference, that would have defined "agency" specifically to include the CEA.

Attached for your signature is a memorandum to Beryl Sprinkel that brings this matter to his attention.

Attachment

THE WHITE HOUSE

WASHINGTON

March 3, 1986

MEMORANDUM FOR PAUL B. THOMPSON
GENERAL COUNSEL
NATIONAL SECURITY COUNCIL

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: FOIA Request for NSDD-89

Your January 21, 1986 memorandum to me asked for this office to review NSDD-89, which has been requested under provisions of the Freedom of Information Act. This office has no legal objection to the release of this document.

Thank you for bringing this matter to my attention.

THE WHITE HOUSE

WASHINGTON, D.C.

February 28, 1986

MEMORANDUM FOR JERRY D. JENNINGS
EXECUTIVE DIRECTOR
OFFICE OF SCIENCE AND TECHNOLOGY POLICY

FROM: RICHARD A. HAUSER *Original signed by RAH*
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Attached Freedom of Information Act Request

Attached are documents referred to this office by the Federal Bureau of Investigation regarding a Freedom of Information Act and Privacy Act request from Dr. Isidor Rabi, who was a consultant to the Office of Science and Technology. As they relate entirely to Dr. Rabi's work with OST, I am referring them for your review and response to the FBI.

Thank you for your cooperation.

Attachments

RAH/JMS:kl
RAHauser
JMShepherd ✓
Subj.
Chron.

THE WHITE HOUSE

February 28, 1986

MEMORANDUM FOR



b6
b7c

FROM: RICHARD A. HAUSER
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: FOI/PA Request of Isidor Rabi
FBI FOI/PA # 248, 999

Thank you for your February 11, 1986 memorandum to Fred F. Fielding, referring documents responsive to the Freedom of Information Act and Privacy Act request of Dr. Isidor Rabi to this office for review. Because these documents all relate to Dr. Rabi's work for the Office of Science and Technology, I have referred them to Jerry D. Jennings, Executive Director of the Office of Science and Technology Policy for review. He will respond to you directly.

PRESERVATION COPY

February 25, 1986

Dear Mr. Manning:

This letter responds to your February 13, 1986 Freedom of Information Act request for information in White House files on the "Force Engine and Megatheory" and your Freedom of Information Act and Privacy Act request for all documents referring to you.

Please be advised that the White House Office is an entity whose "sole purpose is to advise and assist the President" and, as such, is not an "agency" subject to the Freedom of Information Act or the Privacy 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 requests. You may wish to submit your requests to other government agencies that are subject to the acts.

Sincerely,

Original signed by RAH

Richard A. Hauser
Deputy Counsel to the President

Mr. Michael E. Manning
4232 1/2 Polk Avenue
San Diego, CA 92105

RAH/JMS:kl
RAHauser
JMShepherd
Subj.
Chron.

THE WHITE HOUSE

WASHINGTON

February 19, 1986

Dear Mr. Moeller:

Thank you for your January 27, 1986 letter to the President. Please be advised that we have no record of a letter from you to the President dated November 13, 1985.

Your most recent letter refers to a paragraph in that letter that apparently requested information used to respond to your letter of September 20, 1985. The White House Office is an entity whose "sole purpose is to advise and assist the President" and, as such, 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,

Richard A. Hauser
Deputy Counsel to the President

Mr. Walter J. Moeller
Route 2
West Fork, Arkansas 72774