



NATIONAL
ARCHIVES

VIA EMAIL
(LM 2018-110)

August 1, 2018

The Honorable Donald F. McGahn, II
Counsel to the President
The White House
Washington, D.C. 20502

Dear Mr. McGahn:

In accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§2201-2209, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to the incumbent President of our intent to open George W. Bush Presidential records in response to the systematic processing project listed in Attachment A.

This material, consisting of 3,826 pages, has been reviewed for the six PRA Presidential restrictive categories, including confidential communications requesting or submitting advice (P5) and material related to appointments to federal office (P2), as they were eased by President George W. Bush on November 15, 2010. These records were also reviewed for all applicable FOIA exemptions. As a result of this review, 300 pages in whole and 75 pages in part have been restricted. Therefore, NARA is proposing to open the remaining 3,451 pages in whole and 75 pages in part that do not require closure under 44 U.S.C. § 2204. A copy of any records proposed for release under this notice will be provided to you upon your request.

We are also concurrently informing former President George W. Bush's representative, Freddy Ford, of our intent to release these records. Pursuant to 44 U.S.C. 2208(a), NARA will release the records 60 working days from the date of this letter, which is October 26, 2018, unless the former or incumbent President requests a one-time extension of an additional 30 working days or asserts a constitutionally based privilege, in accordance with 44 U.S.C. 2208(b)-(d). Please let us know if you are able to complete your review before the expiration of the 60 working day period. Pursuant to 44 U.S.C. 2208(a)(1)(B), we will make this notice available to the public on the NARA website.

If you have any questions relating to this notification, please contact me at (202) 357-5144 or NARA General Counsel Gary M. Stern at (301) 837-3026.

Sincerely,



B. JOHN LASTER
DIRECTOR
Presidential Materials Division

Enclosure

ATTACHMENT A

<u>Case Number</u>	<u>Topic</u>	<u>Material Processed</u>	<u>Material Restricted</u>	<u>Material Proposed for Opening</u>
2018-0009-P	The nomination and appointment of Brett Kavanaugh as judge on the U.S. Court of Appeals for the District of Columbia Circuit	3,826 pages	300 pages in whole; 75 pages in part	3,451 pages in whole; 75 pages in part

The George W. Bush Library has completed the systematic processing of records related to the nomination and appointment of Brett Kavanaugh as judge on the U.S. Court of Appeals for the District of Columbia Circuit. The George W. Bush Presidential records proposed for opening are fact sheets, briefings, correspondence, biographical information, press releases, internet printouts, articles from journals and publications, charts, printed emails, and administrative documents such as fax cover sheets, forms, and routing memoranda. Correspondence includes letters from members of Congress, friends, and former colleagues recommending Brett Kavanaugh for a judgeship on the U.S. Court of Appeals, as well as congratulatory letters from President George W. Bush to various newly appointed judges. There is a transcript of Kavanaugh's confirmation hearing that includes biographical information, a prepared statement, and questions from senators with answers from Kavanaugh. There are multiple copies of binders prepared specifically on Kavanaugh by the White House Office of Legislative Affairs that contain biographical information, statements by supporters, fact sheets containing responses to allegations, editorials, and letters of support. Fact sheets discuss topics including Kavanaugh's young age at nomination, his involvement in the Starr investigation of President Clinton, his work involving Elian Gonzalez, his role in Bush Administration policy and judicial appointments, his writings, and other legal cases of note. There are documents related to the composition of the D.C. Circuit Court and its case load as well as the ages of various judges at nomination. Additionally, there are some records related to the nominations of other judges including biographical information, fact sheets, published articles, and briefings. These materials are from the White House Office of Records Management Subject Files and the White House Counsel's Office.

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August 1, 2018

Freddy Ford
Office of George W. Bush
2943 SMU Boulevard
Dallas, TX 75205

Dear Mr. Ford:

In accordance with the requirements of the Presidential Records Act (PRA), as amended, 44 U.S.C. §§2201-2209, this letter constitutes a formal notice from the National Archives and Records Administration (NARA) to you, as former President George W. Bush's representative, of our intent to open George W. Bush Presidential records. These records were processed under the systematic processing project described in Attachment A.

These records, consisting of 3,826 pages, have been reviewed for the six PRA Presidential restrictive categories, including confidential communications requesting or submitting advice (P5) and material related to appointments to federal office (P2), as they were eased by President George W. Bush on November 15, 2010. These pages were also reviewed for all applicable FOIA exemptions. As a result of this review, NARA has restricted 300 pages in whole and 75 pages in part. NARA is proposing to open the remaining 3,451 pages in whole and 75 pages in part that do not require closure under 44 U.S.C. § 2204. A copy of any records proposed for release under this notice will be made available to you upon your request.

We are also concurrently informing the incumbent President of our intent to release these George W. Bush Presidential records. Pursuant to 44 U.S.C. 2208(a), NARA will release the records 60 working days from the date of this letter, which is October 26, 2018, unless the former or incumbent President requests a one-time extension of an additional 30 working days or asserts a constitutionally based privilege, in accordance with 44 U.S.C. 2208(b)-(d). Please let us know if you are able to complete your review before the expiration of the 60 working day period. Pursuant to 44 U.S.C. 2208(a)(1)(B), we will make this notice available to the public on the NARA website.

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