Exhibit A

Electronic Privacy Information Center v. National Archives and Records Administration
Civ. No. 18-2150

Motion for Preliminary Injunction

VIA E-MAIL

July 30, 2018

John Laster
FOIA Public Liaison
George W. Bush Presidential Library and Museum
c/o FOIA Coordinator
2943 SMU Blvd
Dallas, TX 75205
E-mail: gwBush.library@nara.gov, cc: john.laster@nara.gov

Dear Mr. Laster:

This letter constitutes an urgent request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (“EPIC”) to the National Archives and Records Administration (“NARA”).

EPIC seeks records of e-mails to and from Supreme Court Nominee Brett M. Kavanaugh, concerning various proposals for surveillance of the American public, during his time at the White House as Associate Counsel and Senior Associate Counsel in 2001–2003 and then as Staff Secretary in 2003–2006.¹

Documents Requested

1. All e-mails sent to or from Brett Kavanaugh on the following dates:
   - March 1–10, 2004
   - October 1 – December 31, 2004
   - December 1–31, 2005

2. All e-mails sent to or from Brett Kavanaugh between September 1, 2001, and May 31, 2006, containing any of these phrases:
   - “President’s Surveillance Program” or PSP
   - “Terrorist Surveillance Program” or TSP
   - STELLARWIND
   - “National Security Agency” or NSA
   - Michael Hayden

3. All e-mails sent to or from Brett Kavanaugh between September 1, 2001, and May 31, 2006, containing any of these phrases:
   - “Total Information Awareness”
   - “Terrorist Information Awareness”
   - “Information Awareness Office”
   - Poindexter

4. All e-mails sent to or from Brett Kavanaugh between September 1, 2001, and May 31, 2006, containing any of these phrases:
   - “airport scanners”
   - “Body Scanner”
   - “Whole Body Imaging”
   - “CAPP5-II”
   - “Registered Traveler”
   - “Secure Flight”
   - PNR

5. All e-mails sent to or from Brett Kavanaugh between September 1, 2001, and May 31, 2006, containing any of these phrases:
   - “Patriot Act”
   - Ashcroft
   - Comey

6. All e-mails sent to or from Brett Kavanaugh between September 1, 2001, and May 31, 2006, containing any of these phrases:
   - “REAL ID”
   - Privacy Act
   - Fusion Centers

7. All records from the Collection “Staff Secretary, White House Office of the” in any Series containing “Kavanaugh, Brett” that have titles containing any of these phrases:
   - “Census data”
Background

On July 9, 2018, President Trump nominated Judge Brett M. Kavanaugh to replace Justice Kennedy on the Supreme Court.²

Since 2006, Judge Kavanaugh has served on the U.S. Court of Appeals for the District of Columbia.³ Prior to his appointment to the Court, Judge Kavanaugh served in the White House under the George W. Bush administration.⁴ From 2001–2003, Judge Kavanaugh served as the Associate Counsel then Senior Associate Counsel and from 2003–2006 he served as Assistant and Staff Secretary to the President.⁵ As Staff Secretary, Judge Kavanaugh played a key role in controlling the flow of documents in and out of the Oval Office and circulating documents to senior administration officials for comment. According to Rajesh De, former Staff Secretary to President Obama, the staff secretary “is the last person to review, comment on, or adjudicate differences with respect to material sent to the president, and may need to synthesize or explain differing points of view on issues of significance.”⁶

Many of the post-September 11 surveillance systems that were initiated and implemented occurred during Judge Kavanaugh’s time as Associate Counsel and then Staff Secretary to President George W. Bush. Mass surveillance systems such as the warrantless wiretapping program, Total Information Awareness, airport body scanners,⁷ passenger profiling,⁸ and the passage of the PATRIOT Act⁹ and the REAL ID provisions.¹⁰ These programs sparked widespread public opposition, and many were shut down after they were brought to light.

All of these programs were subject to high-profile public scrutiny, including intense media coverage, and would likely have been reviewed within the White House. For example, in November 2002, the New York Times reported that the Defense Advanced Research Projects Agency was developing a massive surveillance system called “Total Information Awareness,” that would “peek at personal data of Americans.”¹¹ The program was spearheaded by John

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⁴ Id.
⁵ Id.
¹¹ John Markoff, Threats and Responses: Intelligence; Pentagon Plans a Computer System That Would Peek at Personal Data of Americans, N.Y. Times (Nov. 9, 2002),
Poindexter, head of DARPA’s new “Information Awareness Office.” Admiral Poindexter resigned under increasing Congressional scrutiny and, on September 24, 2003, the President signed a budgetary bill that eliminated funding for the project and closed the Pentagon component office that developed the system.\footnote{H.R. Rep. 108-283, at 327 (2003) (Conf. Rep.), https://www.congress.gov/108/crpt/hrpt283/CRPT-108hrpt283.pdf.}

The “warrantless wiretapping” program, which was first revealed by the New York Times during Judge Kavanaugh’s tenure as Staff Secretary, was one of the most controversial scandals of the Bush Presidency.\footnote{James Risen & Eric Lichtblau, 


Communications sent or received by White House staff members from the White House e-mail message system are stored in NARA’s Electronic Records Archive (“ERA”) in the Automated Records Management System (“ARMS”) and “processed by staff of the National Archives for release.”\footnote{Research: \textit{White house Email}, George W. Bush Presidential Library and Museum, https://www.georgewbushlibrary.smu.edu/en/Research/Presidential-Records/White-House-Email.} Request for Expedition

EPIC is entitled to expedited processing of this request under the FOIA and the NARA’s FOIA regulations. 5 U.S.C. § 552(a)(6)(E)(v)(II); 36 C.F.R. § 1250.28. Specifically, this request is entitled to expedited processing because, first, there is an “urgent need to inform the public

about an actual or alleged Federal Government activity” and, second, because the request is “a matter of widespread . . . interest in which there exist possible questions that affect public confidence in the Government’s integrity.” 36 C.F.R. §§ 1250.28(3)–(4).

First, there is an “urgent need to inform the public about an actual or alleged Federal Government activity” 36 C.F.R. § 1250.28(3). The “actual . . . federal government activity” at issue is Judge Kavanaugh’s participation in the post-September 11 mass surveillance systems during his tenure as the White House Associate Counsel and Senior Counsel, and as Staff Secretary. As Associate Counsel and then Senior Associate Counsel, Judge Kavanaugh provided “legal guidance on administration policy and administrative matters to the President and White House staff.”19 As Staff Secretary, Judge Kavanaugh acted as “a clearinghouse for nearly all documents intended for the President, and for any paperwork to be disseminated among administration officials.”20

The “urgent” need to inform the public about this activity is clear given the significance of the pending confirmation hearing for the Supreme Court. On July 26, 2018, Senate Minority Leader Chuck Schumer (D-NY) wrote a letter to former President George W. Bush to request the complete release of all Judge Kavanaugh’s records during his service in the White House and noted that his Republican colleagues in the Senate refuse to sign a bipartisan document requesting the full release.21 On July 27, 2018, Senate Judiciary Committee Chairman Chuck Grassley (R-IA) sent a letter to the George W. Bush Presidential Library and Museum to request Judge Kavanaugh’s records when he served as White House counsel and documents related to his nomination to the U.S. Court of Appeals for the D.C. Circuit.22 The request did not include records from the period where Judge Kavanaugh served as Staff Secretary.

Judge Kavanaugh’s Supreme Court confirmation hearing will likely be scheduled in the coming weeks.

This urgency criterion in granting an expedition applies because EPIC is an organization “primarily engaged in disseminating information to the public.” 36 C.F.R. § 1250.28(3). As the Court explained in EPIC v. DOD, “EPIC satisfies the definition of ‘representative of the news media’” entitling it to preferred fee status under the FOIA. 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

Second, this request is “a matter of widespread . . . interest in which there exist possible questions that affect public confidence in the Government’s integrity.” 36 C.F.R. § 1250.28(4). In 2006, there was strong bipartisan support to request a full and complete record of then Supreme Court nominee Elena Kagan’s service at the White House. During her nomination

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19 Id. at 1.
20 Id. at 4.
process, NARA released tens of thousands of pages from Justice Kagan’s service under the Clinton Administration and the public, along with the Senate, was able to review her full records and make an informed decision regarding her nomination. The partisan divide over the extent of review of Judge Kavanaugh’s paper trail could stall the nomination proceedings and affect public confidence in Senate’s ability to impartially and fairly review the record of a nominee for a lifetime appointment to the Supreme Court. A Pew Research survey states that 83% of Americans consider the choice for the next Supreme Court justice is very or somewhat important to them. Senator Patrick Leahy strongly criticized the Senate Judiciary’s incomplete records request stating:

Even for the records that Senate Republicans are seeking, they did not request that the administration tell us what specific documents they are withholding and the basis for doing so. This tainted process and half-production are all the more troubling because the last time Judge Kavanaugh testified before the Senate, he appeared to provide a misleading account of his work on torture and detainee policies in the White House. . . . Senate Republicans are hiding relevant documents from the American people and putting party over country. The American people—whose lives will be shaped for a generation by Judge Kavanaugh if he is confirmed—deserve better.

In submitting this request for expedited processing, I certify that this explanation is true and correct to the best of my knowledge and belief. 5 U.S.C. § 552(a)(6)(E)(vi); 36 C.F.R. § 1250.28(c).

Request for “News Media” Fee Status and Fee Waiver

EPIC is a “representative of the news media” for fee classification purposes. *EPIC v. DOD*, 241 F. Supp. 2d 5 (D.D.C. 2003). Based on EPIC’s status as a “news media” requester, EPIC is entitled to receive the requested record with only duplication fees assessed. 5 U.S.C. § 552(a)(4)(A)(ii)(II); 36 C.F.R § 1250.54(b).

Further, any duplication fees should also be waived because (i) disclosure of the requested information is in the public interest because it is likely to contribute to the public understanding of the operations or activities of the government and (ii) disclosure of the information “is not primarily in the commercial interest” of EPIC, the requester. 5 U.S.C. § 552(a)(4)(A)(iii); 36 C.F.R. § 1250.56(a). EPIC’s request satisfies this standard based on the NARA’s considerations for granting a fee waiver. 36 C.F.R. §§ 1250.56(a)(1)–(2).

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Disclosure of the requested information is likely to contribute to the public understanding of the operations or activities of the government.

First, disclosure of the requested documents is in the public interest because it “is likely to contribute significantly to public understanding of the operations or activities of the Government.” 36 C.F.R. § 1250.56(a)(1). The NARA components evaluate these six factors to determine whether this requirement is met: (i) the subject of the request “pertain[s] to the operation and activities of the Federal Government”; (ii) disclosure “will reveal meaningful information that the public does not already know about Federal Government activities”; (iii) disclosure will “advance public understanding of the issue”; (iv) the requester’s “expertise or understanding of the requested records as well as [the requester’s] ability and intention to effectively convey information to the public”; (v) the requester’s intent “to disseminate the requested information to a broad spectrum of the public”; and (vi) disclosure “will lead to a significantly greater understanding of the Government by the public.” § 1250.56(b).

On the first factor, the subject of the request self-evidently concerns identifiable “operations or activities of the federal government.” 36 C.F.R. § 1250.56(b)(i). Judge Kavanaugh served as the former White House Counsel and Staff Secretary to President George W. Bush. Records related to his service are maintained and preserved at the George W. Bush Presidential Library and Museum.

On the second factor, disclosure “will reveal meaningful information that the public does not already know about Federal Government activities” because little information has been released about Judge Kavanaugh’s participation in mass surveillance while serving as counsel and staff secretary for President Bush. 36 C.F.R. § 1250.56(b)(ii). The release will be meaningfully informative because the public will be able to gain valuable insight into Judge Kavanaugh’s legal thinking.

On the third factor, disclosure will “advance public understanding of the issue” because little information is known about Judge Kavanaugh’s tenure in the White House, other than highly redacted material released by the George W. Bush Presidential Library and Museum. 36 C.F.R. § 1250.56(b)(iii). Judge Kavanaugh has stated that his time serving as Staff Secretary was “the most interesting and, in many ways, among the most instructive” to his work as a judge.25 The release of this information will allow the public to understand how his service as Staff Secretary shaped his viewpoints as a legal scholar and provide insight into how he might rule if confirmed to the Supreme Court.

On the fourth factor, as provided in the NARA FOIA regulations, the NARA components will “presum[e] that a representative of the news media satisfies this consideration.” 36 C.F.R. § 1250.56(b)(iv). As previously stated, EPIC is considered a representative of the news media for fee calculation purposes. EPIC v. Dep’t of Defense, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

25 Jessica Gresko, Senators Spar on Access to Kavanaugh’s Staff Secretary Work, AP (July 27, 2018), https://www.apnews.com/4e272e40fe914e19a1d67212bae99056/Senators-spar-on-access-to-Kavanaugh's-staff-secretary-work.
On the fifth factor, EPIC intends “to disseminate the requested information to a broad spectrum of the public.” 36 C.F.R. § 1250.56(b)(v). EPIC consistently publishes important documents obtained through the FOIA and through litigation on its robust website. EPIC publishes an award-winning email and online newsletter that always highlights the critical documents obtained through the FOIA. EPIC’s FOIA work has also been featured in numerous national news publications.

Finally, on the sixth factor, disclosure “will lead to a significantly greater understanding of the Government by the public” because again, there is little information publicly available about Judge Kavanaugh’s role as Counsel and Staff Secretary during the period in which the Bush Administration oversaw mass surveillance systems of significant concern to the public. 36 C.F.R. § 1250.56(b)(vi).

(2) Disclosure of the information is not primarily in the commercial interest of the requester

Second, disclosure of the information “is not primarily in [EPIC’s] commercial interest.” 36 C.F.R. § 1250.56(a)(2). EPIC is a registered non-profit organization committed to privacy, open government, and civil liberties. EPIC has no commercial interest in the requested records and has established that there is significant public interest in the requested records.

For these reasons, a full fee waiver should be granted for EPIC’s request.

26 EPIC.org, https://www.epic.org/.
Conclusion

Thank you for your consideration of this request. I anticipate your determination on our request within ten calendar days. 5 U.S.C. § 552(a)(6)(E)(ii)(I); 36 C.F.R. § 1250.28(d). For questions regarding this request contact Enid Zhou at 202-483-1140 x104 or Zhou@epic.org, cc: FOIA@epic.org.

Respectfully submitted,

/s Enid Zhou
Enid Zhou
EPIC Open Government Fellow

/s Natasha Babazadeh
Natasha Babazadeh
EPIC Appellate Advocacy Fellow

/s Alan Butler
Alan Butler
EPIC Senior Counsel
Exhibit B

Electronic Privacy Information Center v. National Archives and Records Administration
Civ. No. 18-2150

Motion for Preliminary Injunction

Letter from Enid Zhou, Natasha Babazadeh, and Alan Butler, EPIC, to John Laster, George W. Bush Presidential Library and Museum (Aug. 1, 2018) (“EPIC’s Kavanaugh Staff Files FOIA Request”)
VIA E-MAIL

July 30, 2018

John Laster
FOIA Public Liaison
George W. Bush Presidential Library and Museum
c/o FOIA Coordinator
2943 SMU Blvd
Dallas, TX 75205
E-mail: gwbush.library@nara.gov, cc: john.laster@nara.gov

Dear Mr. Laster:

This letter constitutes an urgent request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (“EPIC”) to the National Archives and Records Administration (“NARA”).

EPIC seeks records concerning Supreme Court nominee Brett M. Kavanaugh and various proposals for surveillance of the American public, created during his time at the White House as Associate Counsel and Senior Associate Counsel in 2001–2003 and then as Staff Secretary in 2003–2006.¹

Documents Requested

1. All records from the Collection “Staff Secretary, White House Office of the” in any Series containing “Kavanaugh, Brett” that were created on the following dates:

   - March 1–10, 2004
   - October 1 – December 31, 2004
   - December 1–31, 2005

2. All records from the Collection “Staff Secretary, White House Office of the” in any Series containing “Kavanaugh, Brett” that have titles containing any of these phrases:

   - “President’s Surveillance Program” or PSP
   - “Terrorist Surveillance Program” or TSP
   - STELLARWIND
   - “National Security Agency” or NSA

• Michael Hayden

3. All records from the Collection “Counsel’s Office, White House Office of the” in any Series containing “Kavanaugh, Brett” that have titles containing any of these phrases:
   • “Total Information Awareness”
   • “Terrorist Information Awareness”
   • “Information Awareness Office”
   • Poindexter

4. All records from the Collection “Staff Secretary, White House Office of the” in any Series containing “Kavanaugh, Brett” that have titles containing any of these phrases:
   • “airport scanners”
   • “Body Scanner”
   • “Whole Body Imaging”
   • “CAPPS-II”
   • “Registered Traveler”
   • “Secure Flight”
   • PNR

5. All records from the Collection “Staff Secretary, White House Office of the” in any Series containing “Kavanaugh, Brett” that have titles containing any of these phrases:
   • “Patriot Act”
   • Ashcroft
   • Comey

6. All records from the Collection “Staff Secretary, White House Office of the” in any Series containing “Kavanaugh, Brett” that have titles containing any of these phrases:
   • “REAL ID”
   • Privacy Act
   • Fusion Centers

7. All records from the Collection “Staff Secretary, White House Office of the” in any Series containing “Kavanaugh, Brett” that have titles containing any of these phrases:
   • “Census data”
Background

On July 9, 2018, President Trump nominated Judge Brett M. Kavanaugh to replace Justice Kennedy on the Supreme Court. Since 2006, Judge Kavanaugh has served on the U.S. Court of Appeals for the District of Columbia. Prior to his appointment to the Court, Judge Kavanaugh served in the White House under the George W. Bush administration. From 2001–2003, Judge Kavanaugh served as the Associate Counsel then Senior Associate Counsel and from 2003–2006 he served as Assistant and Staff Secretary to the President. As Staff Secretary, Judge Kavanaugh played a key role in controlling the flow of documents in and out of the Oval Office and circulating documents to senior administration officials for comment. According to Rajesh De, former Staff Secretary to President Obama, the staff secretary “is the last person to review, comment on, or adjudicate differences with respect to material sent to the president, and may need to synthesize or explain differing points of view on issues of significance.”

Many of the post-September 11 surveillance systems that were initiated and implemented occurred during Judge Kavanaugh’s time as Associate Counsel and then Staff Secretary to President George W. Bush. Mass surveillance systems such as the warrantless wiretapping program, Total Information Awareness, airport body scanners, passenger profiling, and the passage of the PATRIOT Act and the REAL ID provisions. These programs sparked widespread public opposition, and many were shut down after they were brought to light.

All of these programs were subject to high-profile public scrutiny, including intense media coverage, and would likely have been reviewed within the White House. For example, in November 2002, the New York Times reported that the Defense Advanced Research Projects Agency was developing a massive surveillance system called “Total Information Awareness,” that would “peek at personal data of Americans.” The program was spearheaded by John

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4 Id.
5 Id.
11 John Markoff, Threats and Responses: Intelligence; Pentagon Plans a Computer System That Would Peek at Personal Data of Americans, N.Y. Times (Nov. 9, 2002),
Poindexter, head of DARPA’s new “Information Awareness Office.” Admiral Poindexter resigned under increasing Congressional scrutiny and, on September 24, 2003, the President signed a budgetary bill that eliminated funding for the project and closed the Pentagon component office that developed the system.\textsuperscript{12}

The “warrantless wiretapping” program, which was first revealed by the New York Times during Judge Kavanaugh’s tenure as Staff Secretary, was one of the most controversial scandals of the Bush Presidency.\textsuperscript{13} The program was first created in November 2001 and was tightly controlled by the White House until 2004, when Department of Justice officials were informed of its existence and called into question the legality of the program.\textsuperscript{14} This led to a dramatic encounter between White House and Justice Department officials at the hospital bed of then-Attorney General John Ashcroft in March of 2004.\textsuperscript{15} Reporters were prepared to publish an expose of the program in the fall of 2004, but officials working in the Bush White House convinced the New York Times to hold the story for more than 13 months.\textsuperscript{16} Some have suggested that the decision impacted the outcome of the 2004 election.\textsuperscript{17}

Materials of the Office of the Staff Secretary are under custody of NARA, which houses these records in the respective presidential library. The George W. Bush Presidential Library and Museum maintains records related to Judge Kavanaugh’s service during the George W. Bush Administration. In particular, the Library holds textual records from the White House Counsel’s Office and the White House Office of the Staff Secretary.\textsuperscript{18}

Request for Expedition


EPIC is entitled to expedited processing of this request under the FOIA and the NARA’s FOIA regulations. 5 U.S.C. § 552(a)(6)(E)(v)(II); 36 C.F.R. § 1250.28. Specifically, this request is entitled to expedited processing because, first, there is an “urgent need to inform the public about an actual or alleged Federal Government activity” and, second, because the request is “a matter of widespread . . . interest in which there exist possible questions that affect public confidence in the Government’s integrity.” 36 C.F.R. §§ 1250.28(3)–(4).

First, there is an “urgent need to inform the public about an actual or alleged Federal Government activity” 36 C.F.R. § 1250.28(3). The “actual . . . federal government activity” at issue is Judge Kavanaugh’s participation in the post-September 11 mass surveillance systems during his tenure as the White House Associate Counsel and Senior Counsel, and as Staff Secretary. As Associate Counsel and then Senior Associate Counsel, Judge Kavanaugh provided “legal guidance on administration policy and administrative matters to the President and White House staff.” As Staff Secretary, Judge Kavanaugh acted as “a clearinghouse for nearly all documents intended for the President, and for any paperwork to be disseminated among administration officials.”

The “urgent” need to inform the public about this activity is clear given the significance of the pending confirmation hearing for the Supreme Court. On July 26, 2018, Senate Minority Leader Chuck Schumer (D-NY) wrote a letter to former President George W. Bush to request the complete release of all Judge Kavanaugh’s records during his service in the White House and noted that his Republican colleagues in the Senate refuse to sign a bipartisan document requesting the full release. On July 27, 2018, Senate Judiciary Committee Chairman Chuck Grassley (R-IA) sent a letter to the George W. Bush Presidential Library and Museum to request Judge Kavanaugh’s records when he served as White House counsel and documents related to his nomination to the U.S. Court of Appeals for the D.C. Circuit. The request did not include records from the period where Judge Kavanaugh served as Staff Secretary.

Judge Kavanaugh’s Supreme Court confirmation hearing will likely be scheduled in the coming weeks.

This urgency criterion in granting an expedition applies because EPIC is an organization “primarily engaged in disseminating information to the public.” 36 C.F.R. § 1250.28(3). As the Court explained in *EPIC v. DOD*, “EPIC satisfies the definition of ‘representative of the news media’” entitling it to preferred fee status under the FOIA. 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

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19 *Id.* at 1.
20 *Id.* at 4.
Second, this request is “a matter of widespread . . . interest in which there exist possible questions that affect public confidence in the Government’s integrity.” 36 C.F.R. § 1250.28(4). In 2006, there was strong bipartisan support to request a full and complete record of then Supreme Court nominee Elena Kagan’s service at the White House. During her nomination process, NARA released tens of thousands of pages from Justice Kagan’s service under the Clinton Administration and the public, along with the Senate, was able to review her full records and make an informed decision regarding her nomination. The partisan divide over the extent of review of Judge Kavanaugh’s paper trail could stall the nomination proceedings and affect public confidence in Senate’s ability to impartially and fairly review the record of a nominee for a lifetime appointment to the Supreme Court. A Pew Research survey states that 83% of Americans consider the choice for the next Supreme Court justice is very or somewhat important to them. Senator Patrick Leahy strongly criticized the Senate Judiciary’s incomplete records request stating:

Even for the records that Senate Republicans are seeking, they did not request that the administration tell us what specific documents they are withholding and the basis for doing so. This tainted process and half-production are all the more troubling because the last time Judge Kavanaugh testified before the Senate, he appeared to provide a misleading account of his work on torture and detainee policies in the White House. . . . Senate Republicans are hiding relevant documents from the American people and putting party over country. The American people—whose lives will be shaped for a generation by Judge Kavanaugh if he is confirmed—deserve better.

In submitting this request for expedited processing, I certify that this explanation is true and correct to the best of my knowledge and belief. 5 U.S.C. § 552(a)(6)(E)(vi); 36 C.F.R. § 1250.28(c).

Request for “News Media” Fee Status and Fee Waiver

EPIC is a “representative of the news media” for fee classification purposes. EPIC v. DOD, 241 F. Supp. 2d 5 (D.D.C. 2003). Based on EPIC’s status as a “news media” requester, EPIC is entitled to receive the requested record with only duplication fees assessed. 5 U.S.C. § 552(a)(4)(A)(ii)(II); 36 C.F.R § 1250.54(b).

Further, any duplication fees should also be waived because (i) disclosure of the requested information is in the public interest because it is likely to contribute to the public understanding of the operations or activities of the government and (ii) disclosure of the information “is not primarily in the commercial interest” of EPIC, the requester. 5 U.S.C. §

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(I) Disclosure of the requested information is likely to contribute to the public understanding of the operations or activities of the government.

First, disclosure of the requested documents is in the public interest because it “is likely to contribute significantly to public understanding of the operations or activities of the Government.” 36 C.F.R. § 1250.56(a)(1). The NARA components evaluate these six factors to determine whether this requirement is met: (i) the subject of the request “pertain[s] to the operation and activities of the Federal Government”; (ii) disclosure “will reveal meaningful information that the public does not already know about Federal Government activities”; (iii) disclosure will “advance public understanding of the issue”; (iv) the requester’s “expertise or understanding of the requested records as well as [the requester’s] ability and intention to effectively convey information to the public”; (v) the requester’s intent “to disseminate the requested information to a broad spectrum of the public”; and (vi) disclosure “will lead to a significantly greater understanding of the Government by the public.” § 1250.56(b).

On the first factor, the subject of the request self-evidently concerns identifiable “operations or activities of the federal government.” 36 C.F.R. § 1250.56(b)(i). Judge Kavanaugh served as the former White House Counsel and Staff Secretary to President George W. Bush. Records related to his service are maintained and preserved at the George W. Bush Presidential Library and Museum.

On the second factor, disclosure “will reveal meaningful information that the public does not already know about Federal Government activities” because little information has been released about Judge Kavanaugh’s participation in mass surveillance while serving as counsel and staff secretary for President Bush. 36 C.F.R. § 1250.56(b)(ii). The release will be meaningfully informative because the public will be able to gain valuable insight into Judge Kavanaugh’s legal thinking.

On the third factor, disclosure will “advance public understanding of the issue” because little information is known about Judge Kavanaugh’s tenure in the White House, other than highly redacted material released by the George W. Bush Presidential Library and Museum. 36 C.F.R. § 1250.56(b)(iii). Judge Kavanaugh has stated that his time serving as Staff Secretary was “the most interesting and, in many ways, among the most instructive” to his work as a judge.25 The release of this information will allow the public to understand how his service as Staff Secretary shaped his viewpoints as a legal scholar and provide insight into how he might rule if confirmed to the Supreme Court.

On the fourth factor, as provided in the NARA FOIA regulations, the NARA components will “presum[e] that a representative of the news media satisfies this consideration.” 36 C.F.R. §

25 Jessica Gresko, Senators Spar on Access to Kavanaugh’s Staff Secretary Work, AP (July 27, 2018), https://www.apnews.com/4e272e40fe914e19a1d67212bae99056/Senators-spar-on-access-to-Kavanaugh's-staff-secretary-work.

On the fifth factor, EPIC intends “to disseminate the requested information to a broad spectrum of the public.” 36 C.F.R. § 1250.56(b)(v). EPIC consistently publishes important documents obtained through the FOIA and through litigation on its robust website.26 EPIC publishes an award-winning email and online newsletter that always highlights the critical documents obtained through the FOIA.27 EPIC’s FOIA work has also been featured in numerous national news publications.28

Finally, on the sixth factor, disclosure “will lead to a significantly greater understanding of the Government by the public” because again, there is little information publicly available about Judge Kavanaugh’s role as Counsel and Staff Secretary during the period in which the Bush Administration oversaw mass surveillance systems of significant concern to the public. 36 C.F.R. § 1250.56(b)(vi).

(2) Disclosure of the information is not primarily in the commercial interest of the requester

Second, disclosure of the information “is not primarily in [EPIC’s] commercial interest.” 36 C.F.R. § 1250.56(a)(2). EPIC is a registered non-profit organization committed to privacy, open government, and civil liberties.29 EPIC has no commercial interest in the requested records and has established that there is significant public interest in the requested records.

For these reasons, a full fee waiver should be granted for EPIC’s request.

Conclusion

Thank you for your consideration of this request. I anticipate your determination on our request within ten calendar days. 5 U.S.C. § 552(a)(6)(E)(ii)(I); 36 C.F.R. § 1250.28(d). For questions regarding this request contact Enid Zhou at 202-483-1140 x104 or Zhou@epic.org, cc: FOIA@epic.org.

Respectfully submitted,

/s Enid Zhou
Enid Zhou
EPIC Open Government Fellow

/s Natasha Babazadeh
Natasha Babazadeh

26 EPIC.org, https://www.epic.org/.
EPIC Appellate Advocacy Fellow

/s Alan Butler
Alan Butler
EPIC Senior Counsel
Exhibit C

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Motion for Preliminary Injunction

July 31, 2018

Enid Zhou
1718 Connecticut Ave., NW
Suite 200
Washington, DC 20009

Dear Ms. Zhou:

This letter is in response to your Freedom of Information Act (FOIA) request dated August 1, 2018 for access to George W. Bush Presidential records pertaining to seven categories of mainly electronic records related to Brett Kavanaugh. Your request was received by the George W. Bush Library on August 1, 2018. FOIA requests for Bush Presidential records are processed and reviewed for access under provisions of the 1978 Presidential Records Act, as amended (PRA) (44 U.S.C. §§ 2201-2209), which incorporates the Freedom of Information Act (5 U.S.C. § 552) in substantial part.

This request has been piggy-backed onto a FOIA request previously submitted for similar records. The National Archives has expedited the processing of these requests and the staff of the George W. Bush Library is currently processing these materials.

FOIA requests are processed and reviewed for access under provisions of the PRA and FOIA and are subject to the provisions of NARA regulations at 36 C.F.R. § 1270.46, which require that we notify the representatives of the former President and the incumbent President prior to the release of any Presidential records. Also, it should be noted that documents processed in response to your request may be closed in whole or part in compliance with applicable PRA restrictions and FOIA exemptions.

When processing is complete and the notification period has passed, we will inform you of the availability of the requested records. At that point, you may request copies of these records at a reproduction fee of $0.80 per page, or you can choose to view these documents in the research room of the George W. Bush Library where a self-service copier is available for the price of $0.25 a page.

If you have any questions regarding your FOIA request, please contact our staff at 214-346-1557 or gwbush.library@nara.gov. Your case log number is 2018-0258-F. Please have this number accessible for reference during any future contact concerning this FOIA request.

Sincerely,

[Signature]

SHANNON JARRETT
Supervisory Archivist
George W. Bush Library

SJ: MAC
Exhibit D

Electronic Privacy Information Center v. National Archives and Records Administration
Civ. No. 18-2150

Motion for Preliminary Injunction

July 31, 2018

Enid Zhou
1718 Connecticut Ave., NW
Suite 200
Washington, DC 20009

Dear Ms. Zhou:

This letter is in response to your Freedom of Information Act (FOIA) request dated August 1, 2018 for access to George W. Bush Presidential records pertaining to seven categories of textual records related to Brett Kavanaugh. Your request was received by the George W. Bush Library on August 1, 2018. FOIA requests for Bush Presidential records are processed and reviewed for access under provisions of the 1978 Presidential Records Act, as amended (PRA) (44 U.S.C. §§ 2201-2209), which incorporates the Freedom of Information Act (5 U.S.C. § 552) in substantial part.

This request has been piggy-backed onto a FOIA request previously submitted for similar records. The National Archives has expedited the processing of these requests and the staff of the George W. Bush Library is currently processing these materials.

FOIA requests are processed and reviewed for access under provisions of the PRA and FOIA and are subject to the provisions of NARA regulations at 36 C.F.R. § 1270.46, which require that we notify the representatives of the former President and the incumbent President prior to the release of any Presidential records. Also, it should be noted that documents processed in response to your request may be closed in whole or part in compliance with applicable PRA restrictions and FOIA exemptions.

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If you have any questions regarding your FOIA request, please contact our staff at 214-346-1557 or gw bush.library@nara.gov. Your case log number is 2018-0259-F. Please have this number accessible for reference during any future contact concerning this FOIA request.

Sincerely,

SHANNON JARRETT
Supervisory Archivist
George W. Bush Library

SJ: MAC
Exhibit E

*Electronic Privacy Information Center v. National Archives and Records Administration*

Civ. No. 18-2150

Motion for Preliminary Injunction

July 13, 2018

Enid Zhou
1718 Connecticut Ave., NW
Suite 200
Washington, DC 20009

Dear Ms. Zhou:

This is in response to your August 1, 2018 request for access under the Freedom of Information Act (FOIA) (5 U.S.C. § 552,), for seven categories of mainly electronic records related to Brett Kavanaugh, for which you have requested expedited processing. Your request was received by the George W. Bush Library on that date, and we have assigned this request tracking number 2018-0258-F.

With respect to your expedited request, the National Archives and Records Administration (NARA) has promulgated regulations providing for expedited processing of requests if the requester demonstrates a compelling need (as defined in statute) or in any case the agency deems appropriate under its regulations. NARA's regulations are published at 36 C.F.R. § 1250.28. The requester must demonstrate that the records sought are necessary for one of the following reasons:

1. A reasonable expectation of an imminent threat to an individual's life or physical safety;
2. A reasonable expectation of an imminent loss of a substantial due process right;
3. An urgent need to inform the public about an actual or alleged Federal Government activity (this criterion applies only to those requests made by a person primarily engaged in disseminating information to the public); or
4. A matter of widespread and exceptional media interest in which there exist possible questions that affect public confidence in the Government's integrity.

Given that you or your organization is primarily engaged in disseminating information to the public and that NARA agrees that there is an urgent need to inform the public about an actual or alleged Federal government activity, we consider your request for records related to Judge Kavanaugh's service in the George W. Bush Administration to meet the requirements for expedited processing.

If you have any questions regarding the status of your FOIA request, please contact me directly at 214-346-1557. If you have any questions or concerns about NARA’s handling of this expedited request, please feel free to contact NARA’s FOIA Officer Joe Scanlon at (301) 837-0583.

If you consider this response to be a denial of your FOIA request, you may appeal by writing to the Deputy Archivist of the United States, (ATTN: FOIA Appeal Staff), Room 4200, National Archives and Records Administration, 8601 Adelphi Road, College Park, Maryland 20740-6001. You should explain why you believe this response does not meet the requirements of the FOIA. Both the letter and the envelope should be clearly marked “FOIA Appeal.” To be considered timely, your appeal must be postmarked or electronically submitted within 90 calendar days from the date of this letter.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison John Laster for assistance at: Presidential Materials Division, National Archives and Records Administration, 700 Pennsylvania Avenue, NW, Room G-7,

A Presidential Library Administered by the National Archives and Records Administration
If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road ~ OGIS, College Park, MD 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Shannon Jarrett
Supervisory Archivist
George W. Bush Library and Museum

cc: Joe Scanlon
    FOIA Officer, National Archives and Records Administration
Exhibit F

*Electronic Privacy Information Center v. National Archives and Records Administration*

Civ. No. 18-2150

Motion for Preliminary Injunction

July 13, 2018

Enid Zhou
1718 Connecticut Ave., NW
Suite 200
Washington, DC 20009

Dear Ms. Zhou:

This is in response to your August 1, 2018 request for access under the Freedom of Information Act (FOIA) (5 U.S.C. § 552.), for all seven categories of textual records related to Brett Kavanaugh, for which you have requested expedited processing. Your request was received by the George W. Bush Library on that date, and we have assigned this request tracking number 2018-0259-F.

With respect to your expedition request, the National Archives and Records Administration (NARA) has promulgated regulations providing for expedited processing of requests if the requester demonstrates a compelling need (as defined in statute) or in any case the agency deems appropriate under its regulations. NARA’s regulations are published at 36 C.F.R. § 1250.28. The requester must demonstrate that the records sought are necessary for one of the following reasons:

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2. A reasonable expectation of an imminent loss of a substantial due process right;
3. An urgent need to inform the public about an actual or alleged Federal Government activity (this criterion applies only to those requests made by a person primarily engaged in disseminating information to the public); or
4. A matter of widespread and exceptional media interest in which there exist possible questions that affect public confidence in the Government's integrity.

Given that you or your organization is primarily engaged in disseminating information to the public and that NARA agrees that there is an urgent need to inform the public about an actual or alleged Federal government activity, we consider your request for records related to Judge Kavanaugh’s service in the George W. Bush Administration to meet the requirements for expedited processing.

If you have any questions regarding the status of your FOIA request, please contact me directly at 214-346-1557. If you have any questions or concerns about NARA’s handling of this expedited request, please feel free to contact NARA’s FOIA Officer Joe Scanlon at (301) 837-0583.

If you consider this response to be a denial of your FOIA request, you may appeal by writing to the Deputy Archivist of the United States, (ATTN: FOIA Appeal Staff), Room 4200, National Archives and Records Administration, 8601 Adelphi Road, College Park, Maryland 20740-6001. You should explain why you believe this response does not meet the requirements of the FOIA. Both the letter and the envelope should be clearly marked “FOIA Appeal.” To be considered timely, your appeal must be postmarked or electronically submitted within 90 calendar days from the date of this letter.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison John Laster for assistance at: Presidential Materials Division, National Archives and Records Administration, 700 Pennsylvania Avenue, NW, Room G-7,
If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman’s office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

\[Signature\]

Shannon Jarrett
Supervisory Archivist
George W. Bush Library and Museum

cc: Joe Scanlon
   FOIA Officer, National Archives and Records Administration
Exhibit G

*Electronic Privacy Information Center v. National Archives and Records Administration*

Civ. No. 18-2150

Motion for Preliminary Injunction

Letter from President George W. Bush to Hon. David S. Ferriero, Archivist of the United States

(Nov. 15, 2010) (“Bush Letter to Archivist”)
George W. Bush

November 15, 2010

The Honorable David S. Ferriero
Archivist of the United States
8601 Adelphi Road
College Park, Maryland 20740

Dear Mr. Ferriero:

On July 31, 2002, I wrote to Archivist of the United States John Carlin, in accordance with the Presidential Records Act (PRA), 44 U.S.C. 2201-2207, specifying that access should be restricted with respect to all six categories of records set forth in section 2204(a) of the PRA for twelve years after the termination of my service as President of the United States.

In order to provide guidance to the National Archives and Records Administration (NARA) staff in processing the records of my Administration, I now wish to ease for review and processing purposes the restriction criteria for records under 44 U.S.C. 2204(a)(2) “relating to appointments to Federal office,” and 2204(a)(5), “confidential communications requesting or submitting advice, between the President and his advisors, or between such advisors” subject to the limitations below. With respect to easing the restriction in section 2204(a)(2), relating to appointment to federal office, information should generally be withheld only if it:

1) Contains clearly confidential personal information, such as social security numbers, medical history, private salary, negative, derogatory, or other information that would require it to be restricted under section 2204(a)(6) of the PRA; or

2) Would be restricted under section 2204(a)(5), as in accordance with the guidance provided in this letter.

In implementing this guidance, NARA staff should consult with my designated representatives on any questions that arise with respect to individual records or particular record categories under section 2204(a)(2).

With respect to easing the restriction in section 2204(a)(5), I generally would like to waive this restriction for records containing the more routine confidential communications during my Administration. The categories of advisory information for which I hereby waive the restriction in section 2204(a)(5) because these are generally of a routine advisory nature are:
1) Scheduling files, including daily schedules, drafts, and, routine background materials relating to schedules;

2) Background materials, drafts, and other preparatory materials regarding Presidential proclamations, declarations, special messages, and executive orders;

3) Draft press releases;

4) Talking points, fact sheets, and other similar communications regarding final policy decisions including drafts and background materials;

5) Routine White House staffing memoranda and comments;

6) Memoranda and reports provided to the President and his staff, including drafts, which are purely informational or factual in content, including position papers, reports, and studies that examine an issue;

7) Requests and referrals from White House staff to other staff or agency officials seeking guidance and input in the preparation of routine responses to inquiries and the information received by White House staff;

8) Routine memoranda and recommendations analyzing and/or making recommendations regarding Administration positions on legislation or recommending Presidential approval or disapproval of legislation and congressional resolutions; and

9) Speech related drafts that only contain minor grammatical or routine clerical changes that do not make any substantive changes in the meaning of the final speech.

To the extent questions arise regarding these categories or whether particular information is of a "routine" nature, the NARA staff should consult with my designated representatives.

Separate and apart from the foregoing categories of routine advisory information, I also wish to consider whether to ease restrictions in section 2204(a)(5) with respect to certain other categories of records containing confidential advisory information. Toward that end, I ask the NARA staff to consult and seek guidance from my designated representatives to determine whether to ease the restriction criteria for records containing information in the following more substantive advisory categories:

A. Confidential communications regarding policy or political matter that is contained in a Presidential record as defined in section 2201 of the PRA;
B. Confidential communications on a national security or foreign policy topic;

C. Substantive policy communications directly to or from the President, unless routine in nature;

D. Communications directly between the President and the Vice President, unless routine in nature;

E. Communications directly between the President and the First Lady, and their families, unless routine in nature;

F. Communications directly to or from a former President, Vice President, or their families, unless routine in nature.

In implementing this guidance with respect to section 2204(a)(3), I further request that the NARA staff pay particular attention to, and appropriately consult with, my designated representatives regarding confidential communication, including electronic communications, containing substantive advice or recommendations involving White House staff serving as Assistants to the President.

My designated representatives and I look forward to working with you and your staff, particularly at the George W. Bush Presidential Library, to allow for the greatest public access to the records of my Administration, while continuing to protect sensitive information in accordance with the PRA.

I hope this letter clarifies my intent at this time and provides helpful guidance for NARA staff processing the records of my Administration.

Sincerely,

George W. Bush
Exhibit H

*Electronic Privacy Information Center v. National Archives and Records Administration*
Civ. No. 18-2150

Motion for Preliminary Injunction

Brett Kavanaugh Subject Files, Counsel’s Office, White House (“Counsel’s Office Subject Files”)
Counsel's Office, White House
Kavanaugh, Brett - Subject Files

Box 1
09/11/2001 Commission - Leak - Polygraph
09/11/2001 Fund - Deena Burnett Letter
09/11/2001 Victims Compensatory Funds Regulations [1]
09/11/2001 Victims Compensatory Funds Regulations [2]
09/11/2001 Victims Compensatory Funds Regulations [3]
ABA (American Bar Association) - A National Colloquium on the 21st Century Judiciary, 03/14/2003
ABA (American Bar Association) [1]
ABA (American Bar Association) [2]
ABA (American Bar Association) [3]
[ABA (American Bar Association) Article]
[ABA (American Bar Association) Ratings of Federal Judicial Nominees]
ADA (Americans with Disability Act) 3:15
Adarand Constructors
Binder - Admissions Procedures at the US Military, Naval and Air Force Academics, 03/24/2003

Box 2
[Airline Bankruptcy Articles]
Airline Insurance
Airline Relief - War
[Airline Tort Liability]
Airline Victims Claim Process
Airlines [1]
Airlines [2]
Airlines [3]
Airlines [4]
Airlines [5]
Airlines - Claims Process for 09/11/2001 Victims - DOJ Regulations
Airlines - Statute PL 107-42
Algiers Accords [Folder 1]

Box 3
Algiers Accords [Folder 2]
[Alito, Samuel A.]
American Historical Association v. NARA (National Archives and Records Administration)
[American Insurance Association]
Anti-Lobbying Act
Anti-Terrorism Legislation [1]
Anti-Terrorism Legislation [2]
Anti-Terrorism Legislation [3]
Anti-Terrorism Legislation [4]
Anti-Terrorism Legislation: Anti-Terrorism 10/11/2001 - 10/12/2001 Negotiations
Archives - 03/15/2002 Releases
Archivist Testimony
Arizona District Court
Asbestos [Folder 1]
Asbestos [Folder 2]
Assassination Ban
[Aviation and Transportation Security Act, S. 1447]
Binder - [Aviation, Civil Liability for Injuries from Operation of Aircraft] [1]

**Box 4**
Binder - [Aviation, Civil Liability for Injuries from Operation of Aircraft] [2]
Binder - [Aviation, Civil Liability for Injuries from Operation of Aircraft] [3]
Aviation Security [1]
Aviation Security [2]
Book - Basic Laws and Authorities of the National Archives and Records Administration

**Box 5**
Bea, Carlos
[P2, P6/b6 Folder 1]
Blocked Assets
Brown, Janice [Folder 1]
Brown, Janice [Folder 2]
Binder - Brown, Janice [Binder 1] [1]
Binder - Brown, Janice [Binder 1] [2]

**Box 6**
Binder - Brown, Janice [Binder 2] [1]
Binder - Brown, Janice [Binder 2] [2]
Binder - Brown, Janice [Binder 2] [3]
Binder - Brown, Janice [Binder 2] [4]
Binder - Brown, Janice 06/01/2001 - 05/31/2002 [1]
Binder - Brown, Janice 06/01/2001 - 05/31/2002 [2]
Binder - [Brown, Janice and Daniel M. Kolkey, LexisNexis Reports] [1]
Binder - [Brown, Janice and Daniel M. Kolkey, LexisNexis Reports] [2]

**Box 7**
Binder - [Brown, Janice and Daniel M. Kolkey, LexisNexis Reports] [3]
Binder - [Brown, Janice and Daniel M. Kolkey, LexisNexis Reports] [4]
Binder - [Brown, Janice Cases] [Binder 1] [1]
Binder - [Brown, Janice Cases] [Binder 1] [2]
Binder - [Brown, Janice Cases] [Binder 2] [1]
Binder - [Brown, Janice Cases] [Binder 2] [2]
Binder - [Brown, Janice Cases] [Binder 2] [3]
Binder - [Brown, Janice Cases] [Binder 2] [4]

**Box 8**
Binder - [Brown, Janice LexisNexis Reports] [Binder 1] [1]
Binder - [Brown, Janice LexisNexis Reports] [Binder 1] [2]
Binder - [Brown, Janice LexisNexis Reports] [Binder 1] [3]
Binder - [Brown, Janice LexisNexis Reports] [Binder 1] [4]
Binder - [Brown, Janice LexisNexis Reports] [Binder 2] [1]
Binder - [Brown, Janice LexisNexis Reports] [Binder 2] [2]
Binder - (Brown, Janice LexisNexis Reports) [Binder 2] [3]

Box 9
Binder - [Brown, Janice LexisNexis Reports] [Binder 2] [4]
Binder - [Brown, Janice LexisNexis Reports] [Binder 3] [1]
Binder - [Brown, Janice LexisNexis Reports] [Binder 3] [2]
Binder - [Brown, Janice LexisNexis Reports] [Binder 3] [3]
Binder - [Brown, Janice LexisNexis Reports] [Binder 3] [4]
Binder - [Brown, Janice LexisNexis Reports] [Binder 3] [5]
Binder - [Brown, Janice LexisNexis Reports] [Binder 4] [1]

Box 10
Binder - [Brown, Janice LexisNexis Reports] [Binder 4] [2]
Binder - [Brown, Janice LexisNexis Reports] [Binder 4] [3]
Binder - [Brown, Janice LexisNexis Reports] [Binder 4] [4]
Binder - [Brown, Janice LexisNexis Reports] [Binder 5] [1]
Binder - [Brown, Janice LexisNexis Reports] [Binder 5] [2]
Binder - [Brown, Janice LexisNexis Reports] [Binder 5] [3]
Binder - [Brown, Janice LexisNexis Reports] [Binder 5] [4]

Box 11
Binder - [Brown, Janice LexisNexis Reports] [Binder 6] [1]
Binder - [Brown, Janice LexisNexis Reports] [Binder 6] [2]
Binder - [Brown, Janice LexisNexis Reports] [Binder 6] [3]
Binder - [Brown, Janice LexisNexis Reports] [Binder 6] [4]
Binder - Brown, Janice Opinions, 06/01/2001 - 05/31/2002 [1]
Binder - Brown, Janice Opinions, 06/01/2001 - 05/31/2002 [2]
Binder - Brown, Janice Opinions, 06/01/2001 - 05/31/2002 [3]
Binder - Brown, Janice Opinions, 06/01/2001 - 05/31/2002 [4]

Box 12
Burton - Pardons
Burton Committee Executive Privilege
Burton, Dan
Burton, Dan 10/18/2001, Request to Archives
Bush, Laura - Release for Academy Awards
Bush Vice Presidential Records
CA 6 (Sixth Circuit Court of Appeals) Michigan
[Candidate Report Hon. James C. Mahan]
Census Data
Circuit Courts - Population and Seats
Civil Justice Reform
Binder - Class Action Fairness Act of 2003
Class Action Reform Bill [1]
Class Action Reform Bill [2]
Class Action Reform Bill: Class Action Bill [1]
Class Action Reform Bill: Class Action Bill [2]
Box 13
[Collective Bargaining Agreements and Bankruptcy Articles] [1]
[Collective Bargaining Agreements and Bankruptcy Articles] [2]
Combined Federal Campaign
Commerce FOIA (Freedom of Information Act)
Binder - Committee on Government Reform, Oversight of Presidential Pardons [1]
Binder - Committee on Government Reform, Oversight of Presidential Pardons [2]
Binder - Committee on Government Reform, Oversight of Presidential Pardons [3]
Binder - Committee on Government Reform, Oversight of Presidential Pardons [4]
Connecticut and Illinois Matters [Folder 1] [1]

Box 14
Connecticut and Illinois Matters [Folder 1] [2]
Connecticut and Illinois Matters [Folder 2] [1]
Connecticut and Illinois Matters [Folder 2] [2]
Connecticut and Illinois Matters [Folder 3] [1]
Connecticut and Illinois Matters [Folder 3] [2]
Connecticut and Illinois Matters [Folder 3] [3]
Connecticut Matters [1]

Box 15
Connecticut Matters [2]
Conner, Chris
Correspondence [Folder 1] [1]
Correspondence [Folder 1] [2]
Correspondence [Folder 2] [1]
Correspondence [Folder 2] [2]
Correspondence [Folder 2] [3]

Box 16
Correspondence [Folder 2] [4]
Correspondence [Folder 2] [5]
Correspondence [Folder 2] [6]
Correspondence [Folder 2] [7]
Correspondence [Folder 2] [8]
Correspondence [Folder 2] [9]
Correspondence [Folder 2] [10]
Correspondence [Folder 2] [11]

Box 17
Correspondence [Folder 2] [12]
Correspondence [Folder 2]: OVP
Binder - Court of Appeals Nominees of President George W. Bush (as of 01/29/2003)
[Binder 1]
Binder - Court of Appeals Nominees of President George W. Bush (as of 01/29/2003)
[Binder 2]
Binder - Court of Appeals Nominees of President George W. Bush (as of 01/29/2003)
[Binder 3]
Cox, Chris
Curtis G. Lockett v. POTUS [1]
Curtis G. Lockett v. POTUS [2]
David M. Walker v. Richard B. Cheney
Binder - Deborah L. Cook, Nominee to the US Court of Appeals for the 6th Circuit [1]

Box 18
Binder - Deborah L. Cook, Nominee to the US Court of Appeals for the 6th Circuit [2]
Binder - Deborah L. Cook, Nominee to the US Court of Appeals for the 6th Circuit [3]
Binder - Deborah L. Cook, Nominee to the US Court of Appeals for the 6th Circuit [4]
Debt Ceiling
Declaration of War
[Declaration Under Penalty of Perjury]
Derritt Swearington v. Bush
Derritt Swearington v. POTUS George W. Bush
[Derritt Swearington v. President George Bush, et al.]
Disclosure of Intelligence Information to Congress
Binder - District Court Committee [1]

Box 19
Binder - District Court Committee [2]
Binder - District Court Committee [3]
District Judges - Oklahoma
District of Maryland - 2003 Seat
[DOJ Memos - Organized Crime and Racketeering Section] [1]
[DOJ Memos - Organized Crime and Racketeering Section] [2]
[DOJ Memos - Organized Crime and Racketeering Section] [3]
[DOJ Memos - Organized Crime and Racketeering Section] [4]

Box 20
[DOJ Memos - Public Integrity Section] [1]
[DOJ Memos - Public Integrity Section] [2]
DOJ Representation of Individuals
DOJ Retreat
DOJ Summaries of Judges [1]
DOJ Summaries of Judges [2]
[Domestic Partnership Ordinances and Anti-Discrimination Contractual Clauses]
[DOT/DOJ Antitrust Proposal]
DOT/FAA - Restrictions on Entry
[Draft Tort Reform]
[Due Process and Criminal Procedure Articles] [1]
[Due Process and Criminal Procedure Articles] [2]
Education Bill - Race
Emergency - Order of Succession
[Energy - Original Documents]

Box 21
Enron [1]
Enron [2]
[Enron] 06/03/2002 Confidentiality Agreements
Enron Interview Notes
Enron - Lieberman [1]
Enron - Lieberman [2]
[Enron Materials 2001] [1]
[Enron Materials 2001] [2]
[Enron Materials 2002] [1]
[Enron Materials 2002] [2]
[Enron] Notes

**Box 22**
[Enron] Protocol
Enron - Subpoena [1]
Enron - Subpoena [2]
EO 12958 [Folder 1]
EO 12958 [Folder 2]
EO 13233 - Articles
EPIC (Electronic Privacy Information Center)
EPIC (Electronic Privacy Information Center) v. OHS (Office of Homeland Security) - FOIA (Freedom of Information Act) Suit
Equipment Policies
Estrada, Miguel
Binder - Estrada, Miguel [Binder 1] [1]
Binder - Estrada, Miguel [Binder 1] [2]
Binder - Estrada, Miguel [Binder 1] [3]

**Box 23**
Binder - Estrada, Miguel [Binder 2] [1]
Binder - Estrada, Miguel [Binder 2] [2]
Binder - Estrada, Miguel [Binder 2] [3]
Estrada, Miguel - DOJ Records Issue
Estrada, Miguel - Ronald A. Klain
[Estrada, Miguel Documents from Mark Pryor]
[Estrada, Miguel Hearing Panels] [1]
[Estrada, Miguel Hearing Panels] [2]
Estrada, Miguel/Janice Brown Memos
[Estrada, Miguel - Nomination U.S. Court of Appeals for the D.C. Circuit] [1]
[Estrada, Miguel - Nomination U.S. Court of Appeals for the D.C. Circuit] [2]
[Estrada, Miguel - Nomination U.S. Court of Appeals for the D.C. Circuit] [3]

**Box 24**
Executive Order/Presidential Directive
Binder - Executive Privilege [1]
Binder - Executive Privilege [2]
Executive Privilege - Air Force Homestead
Executive Privilege - CFIUS (Committee on Foreign Investments in the United States) Matter
Executive Privilege General [1]
Executive Privilege General [2]
Executive Privilege - Holmstead
Executive Privilege - Jerrold Nadler/John Conyers, Faith-Based
Executive Privilege Materials
FACA (Federal Advisory Committee Act) [Folder 1]
FACA (Federal Advisory Committee Act) [Folder 2] [1]
FACA (Federal Advisory Committee Act) [Folder 2] [2]
Faith-Based - OLC (Office of Legal Counsel) Opinions
[Faith-Based Organizations]

Box 25
Fannie Mae Board of Directors
Fathers and Sons Library Exhibit
FBI Director as Acting Attorney General
FDA Preemption
FEC (Federal Election Committee) Matter [1]
FEC (Federal Election Committee) Matter [2]
[FedEx USA Airbill, 07/02/2002]
[Federal Courts to Exclude Punitive Damages]
[Federal Election Commission MUR 5250]
Federal Election Campaign Laws, January 2001
[Federalist Papers]
FOIA (Freedom of Information Act) - DOJ Memo to Agencies
FOIA (Freedom of Information Act) - Interior
FOIA (Freedom of Information Act) - OHS
FOIA (Freedom of Information Act) - VA Issue
FOIA (Freedom of Information Act) Case Law

Box 26
FOIA Matters
FOIA Matters: FBI FOIA Matter - Woodson
FOIA Policy
[FOIA Request - 1996 Antiterrorism and Effective Death Penalty Act]
[FOIA Request - 1999 Trade Missions] [1]
[FOIA Request - 1999 Trade Missions] [2]
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Box 30  Judges - [Allen, Claude] [Folder 2]
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Box 35  Kissinger, Henry FOIA (Freedom of Information Act) Request [5]
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(Electronic Privacy Information Center) v. OHS
OIRA (Office of Information and Regulatory Affairs) - Information Disclosure
Book - Olson, Walter K. The Rule of Lawyers.
OSI (Office of Strategic Initiatives) - Emails and Website
Outside Group - SCT (Supreme Court) Planning
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Box 49 [President's Judicial Nominations] [1]
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Box 51  Research - Race Cases
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    Scalia, Eugene - Recommendation Letters
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    Section 2954 - Henry Waxman
    Section 535 of Title 28, Referrals to DOJ (Department of Justice)
    Book - Senate Hearing - The Role of the American Bar Association in the Judicial
        Evaluation Process
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    Solicitor General's Office Updates
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**Box 56**
Supreme Court Practice: Seventh Edition.
[Subpoena from the Superior Court of the District of Columbia]
Supreme Court Consultation
Supreme Court - OSG (Office of Solicitor General) Updates
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Terrorism Insurance [Folder 3]: State Statutes on Punitive Damages
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  Screening Standard Operating Procedures
Binder - Transportation Security Administration: TSA Regulations
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Box 63
Book - Walden, Gregory S. On Best Behavior: The Clinton Administration and Ethics in
Government.
Walter Lee v. US District Court, District of Columbia
Walters, Art Case
War Powers Issues
[Weekly Report]
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White House Policy - Use of Likeness
White House Staff Manual, 1997

Box 64
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Binder - White House Staff Manual, July 2002
White House Website and Emails, Neil Zimmerman
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Exhibit I

Electronic Privacy Information Center v. National Archives and Records Administration
Civ. No. 18-2150

Motion for Preliminary Injunction

Brett Kavanaugh File Titles, Office of the Staff Secretary, White House (“Staff Secretary’s Office File Titles”)
Staff Secretary, White House Office of the
Kavanaugh, Brett - Chron Files

Sunday, 12/22/2002 [EMPTY]
Monday, 12/23/2002 [EMPTY]
Tuesday, 12/24/2002 [EMPTY]
Wednesday, 12/25/2002 [EMPTY]
Thursday, 12/26/2002 [EMPTY]
Friday, 12/27/2002 [EMPTY]
Saturday, 12/28/2002 [EMPTY]
Sunday, 12/29/2002 [EMPTY]
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Tuesday, 12/31/2002 [EMPTY]
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11/10/2004 - Announcement of Attorney General Nominee
11/12/2004 - Press Availability with Prime Minister Tony Blair [767864]
11/13/2004 - Radio Address [767867]
11/16/2004 - Announcement of Nomination for Secretary of State
11/17/2004 - Announcement of Nomination for Secretary of Education
11/17/2004 - Pardoning of the National Thanksgiving Turkey
11/18/2004 - Toast to President Bill Clinton - Post-Dedication Luncheon
11/18/2004 - Dedication of the William J. Clinton Presidential Center and Park
11/20/2004 - Radio Address
11/20/2004 - Remarks to the CEO Summit Closing Session [768076][1]
11/20/2004 - Remarks to the CEO Summit Closing Session [768076][2]
11/21/2004 - United States Embassy Greeting - Santiago, Chile
11/21/2004 - Social Dinner Toast, Santiago, Chile
11/21/2004 - Press Availability with the President of Chile
11/22/2004 - Press Availability with the President of Colombia
11/27/2004 - Radio Address
11/29/2004 - Announcement of Nomination for Commerce Secretary
11/29/2004 - Video Taping: Thank You to Federal Employees Involved in Disaster Relief
11/30/2004 - Toast at Official Dinner Hosted by the Prime Minister of Canada and Mrs. Martin
11/30/2004 - Joint Press Availability with Prime Minister Martin [768302]
11/22/2004 - Press Availability with the President of Colombia
12/01/2004 - Remarks in Halifax, Nova Scotia [768399]
12/02/2004 - Christmas Pageant of Peace
12/03/2004 - Remarks at the Signing of S. 150 - The Internet Tax Non-Discrimination Act
12/02/2004 - Announcement of Nomination for Secretary of Agriculture [768402]
12/03/2004 - Announcement of Nominee for Secretary of Homeland Security
12/03/2004 - Remarks of Signing H.R. 1350 - Individuals With Disabilities Education Improvement Act
12/04/2004 - Radio Address
12/05/2004 - Reception for Kennedy Center Honorees
12/06/2004 - Remarks by President Bush and Mrs. Bush, White House Children's Holiday Party
12/07/2004 - Remarks at SOF (Special Operations Forces) Draft #1 [770303]
12/07/2004 - Remarks at Camp Pendleton, CA [770306]
12/09/2004 - Remarks for the Lighting of the Menorah
12/10/2004 - Announcement of Nominee for Secretary of Veterans Affairs
12/10/2004 - Announcement of Nominee for Secretary of Energy
12/10/2004 - Talking Points for Visit to USO Care Package Facility
12/11/2004 - Radio Address
12/12/2004 - Christmas in Washington
12/13/2004 - Announcement for Nominee for Secretary of Health and Human Services
12/13/2004 - Americans for Tax Reform and State Legislators
12/14/2004 - Ceremony for Recipients of the Presidential Medal of Freedom [770758] [1]
12/14/2004 - Ceremony for Recipients of the Presidential Medal of Freedom [770758] [2]
12/15/2004 - Reception for White House Conference on the Economy
12/15/2004 - Panel on High Costs of Lawsuit Abuse
12/16/2004 - Panel on Financial Challenges for Today and Tomorrow
12/16/2004 - Remarks on the Economy
12/17/2004 - Signing of the Intelligence Reform and Terrorism Prevention Act of 2004, Draft #6 and Acknowledgements
12/18/2004 - Radio Address
12/20/2004 - Video Tapings: Fox News New Years Broadcast, Holiday Message to Armed Forces Radio, and TV Service with Mrs. Bush
12/20/2004 - News Conference
12/25/2004 - Radio Address, Draft #5 [771281]
12/29/2004 - Statement by the President
01/01/2005 - Radio Address
01/03/2005 - Reception for New Members of the House and Senate
01/03/2005 - Statement on Tsunami Relief Initiative
01/05/2005 - Remarks on Medical Liability Reform - Collinsville, Illinois
01/06/2005 - Meeting on Class Action Reform
01/07/2005 - A Conversation on Asbestos Litigation
01/08/2005 - Radio Address
01/10/2005 - Remarks to USAID Employees and NGO Presidents
01/11/2005 - Announcement of Nominee for Secretary of Homeland Security [768524]
01/11/2005 - Conversation on Social Security Reform
01/12/2005 - Remarks on High School Initiatives, Falls Church, VA
01/14/2005 - A Conversation on Higher Education and Job Training
01/15/2005 - Radio Address [768537]
01/17/2005 - Remarks at Georgetown University's Let Freedom Ring Initiative Honoring Martin Luther King, Jr.
01/18/2005 - Remarks at America's Future Rocks Today Youth Event
01/18/2005 - Remarks at Saluting Those Who Serve
01/19/2005 - Remarks at Chairman's Luncheon
01/19/2005 - Candlelight Dinner #1 - Union Station
01/19/2005 - Candlelight Dinner #2 - National Building Museum
01/19/2005 - Candlelight Dinner #3 - Washington Hilton
01/19/2005 - A Celebration of Freedom Inaugural Concert, Draft #4
01/19/2005 - Black Tie and Boots Ball
01/20/2005 - Inaugural Ball #4 - Liberty Ball
01/20/2005 - Remarks at Inaugural Luncheon
01/20/2005 - Op-Ed for USA Today
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01/20/2005 - Op-Ed for Washington Times Inaugural Issue
01/20/2005 - Salute to Heroes Veterans Inaugural Ball
01/22/2005 - Radio Address
01/24/2005 - Phone Call to March for Life
01/25/2005 - Alfalfa Dinner Remarks
01/26/2005 - Swearing-in Ceremony for Incoming Secretary of Health and Human Services
01/26/2005 - News Conference
01/26/2005 - A Conversation on Health Care Initiatives - National Institutes of Health
01/26/2005 - President's Notes for/from/used in Press Conference [769348]
01/28/2005 - Remarks at the 2005 GOP Congress of Tomorrow Luncheon
01/28/2005 - Swearing-in Ceremony for Incoming Secretary of State
01/29/2005 - Radio Address
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01/31/2005 - Remarks to NBA Champion Detroit Pistons
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01/30/2005 - Statement on the Iraqi Elections
02/02/2005 - Staff Comments State of the Union [768184]
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[02/02/2005] BK File; State of the Union [768183] [2]
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[02/02/2005] BK File; State of the Union [768183] [4]
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02/02/2005 - State of the Union [768182] [3]
02/02/2005 - State of the Union [768182] [4]
02/02/2005 - State of the Union [768182] [5]
02/03/2005 - Remarks at the National Prayer Breakfast
02/03/2005 - North Dakota Conversation on Social Security
02/03/2005 - Montana Conversation on Strengthening Social Security
02/03/2005 - 02/04/2005 - Cards for Five Social Security Conversations
02/04/2005 - Florida Town Hall
02/05/2005 - Radio Address
02/07/2005 - Cabinet Meeting
02/04/2005 - Arkansas Conversation on Social Security
02/04/2005 - Nebraska Conversation on Social Security
02/08/2005 - Remarks to the Detroit Economic Club
02/08/2005 - Remarks to the Council and Scholarly Committee of the National Museum of African American History and Culture
02/09/2005 - Videotaping on Social Security for Members of Congress
02/09/2005 - Videotaping: Generic GOP Script
02/09/2005 - Videotaping: Lincoln Day Events
02/09/2005 - Videotaping: African America History Month Message
02/09/2005 - A Conversation on Class Action Reform
02/10/2005 - North Carolina Town Hall on Strengthening Social Security
02/10/2005 - Pennsylvania Conversation on Social Security
02/11/2005 - Swearing-in Ceremony for the Incoming Secretary of Health and Human Services
02/11/2005 - Remarks at White House Performance of Lincoln: Seen and Heard
02/12/2005 - Radio Address
02/14/2005 - Swearing-in Ceremony for the Attorney General
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02/16/2005 - A Conversation on Strengthening Social Security - Portsmouth, New Hampshire
02/17/2005 - Nomination of Director of National Intelligence
02/18/2005 - Points to Be Made for Meeting with the US Commission on International Freedom
02/18/2005 - Signing of S.5 - Class Action Fairness Act of 2005
02/18/2005 - Radio Address
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02/21/2005 - Remarks in Brussels, Belgium [772546] [2]
02/22/2005 - Statements with the NATO Secretary General [772547]
02/22/2005 - Toast at Official Luncheon Hosted by the Chancellor of Germany and Mrs. Schoeder
02/22/2005 - Joint Press Availability with the European Council President and the European Commission President [772727]
02/23/2005 - Joint Press Availability with the Chancellor of Germany
02/23/2005 - Remarks to US Troops - Wiesbaden Army Airfield, Germany
02/24/2005 - Joint Press Availability with President Putin
02/24/2005 - Remarks to Slovak Citizens - Bratislava [772746]
02/25/2005 - Video Taping: Birthday Greeting to Houston Mayor Bob Lanier
02/26/2005 - Radio Address
02/27/2005 - National Governors Association State Dinner - Remarks and Toast
03/01/2005 - Remarks at White House Faith-Based and Community Initiatives
03/02/2005 - Remarks to the World Series Champion Boston Red Sox
03/02/2005 - Congressional Gold Medal Ceremony Honoring Jackie Robinson
03/02/2005 - Conversation on Job Training - Arnold, Maryland
03/03/2005 - Swearing in of Secretary of Homeland Security Michael Chertoff [772778]
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03/04/2005 - A Conversation of Strengthening Social Security - Westfield, New Jersey
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03/05/2005 - Radio Address
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04/01/2005 - Remarks on Helping America's Youth
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04/18/2005 - Remarks to the South Carolina State Legislature
04/19/2005 - Dedication of the Abraham Lincoln Presidential Library
04/20/2005 - Bankruptcy Bill Signing
04/20/2005 - Remarks on Energy Policy - Hispanic Chamber Conference
04/20/2005 - Remarks to the 2005 National and State Teachers of the Year
04/20/2005 - Presentation of the Commander in Chief's Trophy
04/21/2005 - President's Environmental Youth Awards
04/21/2005 - Remarks on Strengthening Social Security to Independent Insurance Agents and Brokers of America
04/22/2005 - Joint Chiefs of Staff Announcement
04/22/2005 - Remarks on Earth Day
04/23/2005 - Radio Address
04/26/2005 - Roundtable on Strengthening Social Security - Galveston, TX
04/27/2005 - NRSC (National Republican Senatorial Committee) Reception
04/27/2005 - Remarks on Energy at SBA (Small Business Administration) Expo '05
04/28/2005 - News Conference Statement
04/29/2005 - Conversation on Strengthening Social Security - Falls Church, VA
04/29/2005 - Audio Taping - Cinco de Mayo
04/30/2005 - WHCA (White House Correspondents' Association) Dinner
04/30/2005 - Radio Address
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Staff Secretary, White House Office of the
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Background
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[Photos of George H.W. Bush, 06/18/2002]
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Russia
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Exhibit J

Electronic Privacy Information Center v. National Archives and Records Administration
Civ. No. 18-2150

Motion for Preliminary Injunction

E-mail from Malissa Culpepper, George W. Bush Presidential Library and Museum, to Enid Zhou, EPIC (Sep. 15, 2018) (“Culpepper E-mail”)
Dear Ms. Zhou,

Please see our website concerning the completed 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. Both the nomination files and two folder title lists are now open. The records are available on our website at https://www.georgewbushlibrary.smu.edu/en/Research/Digital-Library/BrettMKavanaughRecords.

For information concerning future openings, see the letters of notification of intent to release Presidential records at https://www.archives.gov/foia/pra-notifications.

If I may be of further assistance, please do not hesitate to contact me.

Sincerely,
Malisa Culpepper
FOIA Coordinator
Exhibit K

*Electronic Privacy Information Center v. National Archives and Records Administration*
*Civil No. 18-2150*

Motion for Preliminary Injunction

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FIX THE COURT,
Plaintiff,
v.
U.S. NATIONAL ARCHIVES
AND RECORDS ADMINISTRATION,
Defendant.

Civil Action No. 1:18-cv-1621
(TSC)

NOTICE

This case concerns Plaintiff’s request under the Freedom of Information Act
(FOIA), 5 U.S.C. § 552, submitted to Defendant the United States National Archives and
Records Administration (NARA) on April 4, 2018, and expedited by NARA on July 12,
2018.

The parties have agreed on a schedule for processing and production of the
documents responsive to this request. NARA has agreed to process at least 1000 pages of
potentially responsive documents each week and to make weekly rolling productions. The
parties agree that this processing schedule will eliminate the need for preliminary
injunction proceedings.

Dated: July 20, 2018

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

ELIZABETH J. SHAPIRO
Deputy Director
Federal Programs Branch

/s/ Rebecca M. Kopplin
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