

# TAB “G”

## Vaughn Index of Withheld Documents

***Citizens For Responsibility and Ethics In Washington v. National Archives and Records Administration***  
**Civ. Action No. 07-0048 (RBW)**  
**Vaughn Index**

| Privileged Document Identifier | Document Date | Author          | Addressee(s)/ Recipients  | Privilege Asserted | Total Pages | Description  |
|--------------------------------|---------------|-----------------|---|--------------------|-------------|--|
| 1                              | 09/29/1995    | Miriam Nisbet   | 1. James Hastings   | DP                 | 1           | E-mail re: "Job No. N1-87-93-3, US Secret Service WAVES – Forwarded – Reply," responding to an appended e-mail from J. Hastings to M. Nisbet, Special Counsel for Information Policy, NARA, dated 9/29/95. E-mail thread from NARA lawyer to NARA senior archivist contains internal NARA staff deliberations concerning a then-pending records schedule for WAVES records.<br><br>Additional material released on 5/7/07.                     |
| 2                              | Unknown       | Richard Marcus  | N/A   | DP                 | 1           | Handwritten notes (1 page) making reference to disposition of WAVES records in possession of USSS.   |
| 3                              | Unknown       | Unknown         | N/A   | DP                 | 1           | Memorandum (1 page) discussing legal and recordkeeping issues regarding WAVES records maintained by USSS, including their transfer and disposition (with hand annotations), with attached Request for Records Disposition Authority Job Number N1-087-93-03 (3 pages), dated May 28, 1996.<br><br>Duplicate of the Request for Records Disposition Authority Job Number N1-087-93-03 (3 pages).<br><br>Additional material released on 5/7/07. |
| 4                              | 02/25/1997    | Henry Wolfinger | 1. epugh<br>[Elizabeth Pugh]<br><br>2. cc: mmiller<br>[Michael Miller]<br><br>3. cc: rwmarcus<br>[Richard Marcus] | DP                 | 1           | E-mail re: "WAVES," providing informal advice and opinion to NARA's then-General Counsel Elizabeth Pugh on what actions should be taken with respect to the then-pending records schedule for disposition of WAVES records.  |

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| 5                              | 03/03/2000    | Gary M. Stern  | 1. Stephen Cooper<br>2. cc: Larry Baume<br>3. cc: Nancy Smith   | DP, WP             | 1           | E-mail (1 page) re: "SF 115 for the WAVES system," responding to appended e-mails from Stephen Cooper, dated 3/2/00, with e-mail thread between NARA's General Counsel and NARA archivists discussing what further actions should be taken by NARA staff with respect to the pending Job N1-87-93-3, the WAVES records schedule. A separate e-mail properties page has been released in full.<br><br>Additional material released on 5/7/07.      |
| 6                              | 03/07/2000    | Stephen Cooper | 1. Gary M. Stern<br>2. cc: Larry Baume  | DP, WP             | 1           | E-mail re: "SF 115 for the WAVES system," responding to and appending e-mails described in document # 5. The further reply to NARA's General Counsel memorializes an inter-agency communication the author had regarding a request from the Secret Service for legal advice from NARA with respect to transfer and disposition of WAVES records. The e-mail page contains a handwritten annotation<br><br>Additional material released on 5/7/07. |
| 7                              | 03/31/2000    | Gary M. Stern  | 1. Stephen Cooper<br>2. Nancy Smith<br>3. cc: Marie B. Allen<br>4. cc: Sharon Fawcett<br>5. cc: Amy Krupsky<br>6. cc: Richard Marcus<br>7. cc: Michael Miller | DP, WP             | 1           | E-mail (1 page) re: "Secret Service Waves Schedule," consisting of note from NARA's General Counsel informing NARA archivists and a NARA lawyer (Ms. Krupsky) of status of a possible meeting planned with White House and DOJ counsel, and Secret Service staff, to discuss pending legal issues in connection with transfer and disposition of WAVES records. A separate e-mail properties page has been released in full.                      |

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| 8                                     | Undated              | Stephen Cooper    | 1. cc: Amy Krupsky<br>2. cc: David Langbart<br>3. cc: Hattie Queen<br>4. cc: Mari[e Allen] | DP, WP                    | 2                  | Partial text of e-mail with legend at top: "Secret Service Waves Schedule/Let's Meet," appending additional e-mail discussion thread consisting of replies to document # 7, including e-mail from Nancy Smith to "Gary et al.," dated 3/31/00; e-mail from Michael Miller to "Nancy et al.," dated 4/1/00; e-mail from Nancy Smith to "Michael" dated 4/3/00. The e-mail thread consists of a discussion of the legal issues surrounding the transfer and disposition of WAVES records, including what policy positions NARA should consider taking.<br><br>Additional material released on 5/7/07. |
| 9                                     | 04/14/2000           | Gary M. Stern     | 1. Marie B. Allen<br>2. Stephen Cooper<br>3. Sharo[n] Fawcett<br>4. Kathleen Schultz       | DP, WP                    | 1                  | E-mail re: "GRS for visitor logs," responding to and including an e-mail from Kathleen Schultz, dated 4/14/00, discussing the proposed WAVES record schedule in light of existing General Records Schedules, and containing a reference to the transfer of WAVES records.<br><br>Additional material released on 5/7/07.  |
| 10                                    | 04/17/2000           | Stephen Cooper    | 1. Amy Krupsky<br>2. Gary M. Stern<br>3. Kathleen Schultz<br>4. M[arie B. Allen]           | DP, WP                    | 2                  | E-mail (1 page) re: "Re: GRS for visitor logs," responding to and including e-mail thread described in document # 9. Contains an additional staffer's opinion on the proposed WAVES records schedule in light of existing General Records Schedules, and discussion of procedures for the transfer and disposition of WAVES records.<br><br>Duplicate of the e-mail (1 page).<br><br>Additional material released on 5/7/07.  |
| 11                                    | 04/17/2000           | Michael L. Miller | 1. Amy Krupsky<br>2. Gary M. Stern   | DP, WP                    | 2                  | E-mail (1 page) re: "Re: GRS for visitor logs," further responding to and including the e-mail thread described in document ## 9 & 10. Contains an additional staffer's opinion on the proposed WAVES records schedule.<br><br>Duplicate of the e-mail (1 page).  |

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|                                |               |                                       | 3. Kathleen Schultz<br>4. M[arie B. Allen]  |                    |             | Additional material released on 5/7/07.  |
| 12                             | 12/8/2000     | Gary M. Stern                         | N/A   | DP, WP             | 2           | Handwritten notes of NARA's General Counsel referencing his 12/8/00 and 12/11/00 conversations with USSS official and USSS counsel regarding legal issues involving transfer and disposition of WAVES records maintained by USSS.  |
| 13                             | 01/17/2001    | 1. Tom Dougherty<br>2. Ann Bushmiller | Gary Stern  | DP, WP             | 4           | Memorandum (2 pages) re: "Disposition of certain Presidential Records created by the USSS" [United States Secret Service]. The signed memorandum consists of a set of recommendations to NARA from the Office of Counsel to the President and the USSS on how the USSS proposed to manage, transfer, and dispose of WAVES and ACR records.<br><br>Duplicate of the memorandum with some fax transmission data cut off (2 pages). |
| 14                             | 01/19/2001    | Gary M. Stern                         | 1. Tom Dougherty<br>2. Ann Bushmiller   | DP, WP             | 1           | Memorandum re: "Disposition of Certain Presidential Records Created by the USSS." The memorandum consists of NARA General Counsel's response to proposal contained in document # 13.   |
| 15                             | 03/05/2001    | Gary M. Stern                         | 1. Stephen Cooper<br>2. Larry Baume<br>3. Sharon Fawcett<br>4. Amy Krupsky<br>5. Marty McGann<br>6. Nancy Smith | DP, WP             | 2           | E-mail (1 page) re: "Re: WAVES," responding to and including e-mail from Stephen Cooper discussing the legal issues involved in the transfer and disposition of WAVES records, in connection with NARA formulating its policy in response to documents ## 13 and 14.<br><br>Duplicate of the e-mail (1 page).<br><br>Additional material released on 5/7/07.   |

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| 15a                            | 03/20/2001<br>(hand annotated) | Stephen Cooper                  | N/A  | DP                 | 2           | Notes of NARA staff archivist written in response to documents ## 13-15, comprising questions and comments on legal and recordkeeping issues surrounding disposition and transfer of USSS records as set out in the above-referenced documents.                       |
| 16                             | 04/05/2001                     | 1. Gary M. Stern                | 1. Lewis Bellardo<br>2. Sharon Fawcett<br>3. Michael Miller<br>4. cc: Marie Allen<br>5. cc: Jason Baron<br>6. cc: Larry Baume<br>7. cc: Stephen Cooper<br>8. cc: Amy Krupsky<br>9. cc: Nancy Smith | DP, WP             | 1           | E-mail re: "Report on WAVES Meeting," consisting of NARA General Counsel's report on inter-agency meeting to discuss legal issues affecting the disposition of WAVES records.   |
| 17                             | 03/31/2004                     | 1. Gary M. Stern                | 1. Nancy Smith   | DP, WP             | 5           | Facsimile transmittal (1 page), discussing conversation between NARA's General Counsel and an Associate Counsel to the President on the subject of WAVES records, and attaching document # 16; and document # 13 (with handwritten annotations).                      |
| 18                             | 07/29/2004                     | 1. Tom Dougherty<br>2. Jennifer | 1. Gary M. Stern   | DP, WP             | 6           | Unsigned draft memorandum re: "Disposition of Certain Presidential Records Created by the USSS [United States Secret Service]" (3 pages) (with 3-page attachment), consisting of a set of recommendations to NARA from the Office of Counsel to the President and the |

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|                                       |                      | Brosnahan          |  |                           |                    | USSS on how the USSS proposed to manage, transfer, and dispose of WAVES and ACR records.  |
| 18a                                   | 09/30/2004           | Jennifer Brosnahan | 1. Gary M. Stern<br>2. Jennifer Brosnahan  | DP, WP                    | 7                  | E-mail (1 page) re: "WAVES records," consisting of a request from Associate Counsel to the President for NARA General Counsel to review attached memorandum described in document # 18.   |
| 19                                    | 10/27/2004           | Gary M. Stern      | 1. Larry Baume<br>2. Stephen Cooper<br>3. Sharon Fawcett<br>4. Nancy Smith<br>5. Gary M. Stern | DP, WP                    | 8                  | E-mail (1 page) re: "Fwd: WAVES records," from NARA General Counsel forwarding to NARA staff an e-mail (1 page) from Associate Counsel to the President dated 9/30/04 regarding the draft materials described in document # 18, and soliciting comments on a copy of those draft materials (6 pages).   |
| 20                                    | 10/28/2004           | Nancy Smith        | 1. Larry Baume<br>2. Stephen Cooper<br>3. Sharon Fawcett<br>4. Gary M. Stern                   | DP, WP                    | 3                  | E-mail (1 page) re: "Re: Fwd: WAVES records," providing a NARA staffer's comments and opinions on various legal and recordkeeping issues raised in connection with the transfer and disposition of WAVES records, and appending the 1 page cover e-mail from NARA's General Counsel described at document # 19.<br><br>Two duplicates of the e-mail (1 page each).<br><br>Additional material released on 5/7/07. |
| 21                                    | 10/28/2004           | Stephen Cooper     | 1. Paul Wester<br>2. Larry Baume<br>3. Margaret Hawkins  | DP, WP                    | 1                  | E-mail re: "WAVES," consisting of a NARA staffer's outline of issues for further discussion regarding legal issues surrounding the transfer and disposition of WAVES records in light of documents ## 18 & 19.  |

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|                                |               |                  | 4. cc Stephen Cooper   |                    |             |   |
| 22                             | 10/29/2004    | Larry Baume      | 1. Paul Wester<br>2. Stephen Cooper<br>3. Margaret Hawkins<br>4. Gary M. Stern<br>5. Nancy Smith<br>6. Larry Baume | DP, WP             | 4           | E-mail (2 pages) re: "WAVES questions for discussion," consisting of further discussion and questions posed by a NARA staffer regarding legal issues surrounding the transfer and disposition of WAVES records in light of documents ## 18 & 19.<br><br>Duplicate of the e-mail (2 pages).  |
| 23                             | 10/29/2004    | Stephen Cooper   | 1. Larry Baume<br>2. Nancy Smith<br>3. Gary M. Stern<br>4. cc: Sharon Fawcett<br>5. cc: Margaret Hawkins           | DP, WP             | 1           | E-mail re: "WAVES issues to discuss," copy of contents of document # 17 and appending one sentence e-mail from Gary Stern dated 10/28/04; and one sentence e-mail from Larry Baume to "Gary," each concerning setting up of a meeting to discuss legal issues regarding the transfer and disposition of WAVES records.<br><br>Additional material released on 5/7/07. |
| 24                             | 10/29/2004    | 1. Gary M. Stern | 1. Larry Baume<br>2. Stephen Cooper<br>3. Nancy Smith  | DP, WP             | 2           | E-mail re: "Re: WAVES issues to discuss," consisting of a further response from NARA's General Counsel setting out his legal views on assorted questions raised in the e-mail thread surrounding document # 23 (and appending document # 23), including on the transfer and disposition of WAVES records.<br><br>Additional material released on 5/7/07.              |



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|                                |               |                   | 4. Jason Baron<br>5. Lewis Bellardo<br>6. Sharon Fawcett<br>7. Margaret Hawkins   |                    |             |   |
| 25                             | 10/29/2004    | 1. Stephen Cooper | 1. Larry Baume<br>2. Nancy Smith<br>3. Gary M. Stern<br>4. cc: Jason Baron<br>5. cc: Lewis Bellardo<br>6. cc: Sharon Fawcett<br>7. cc: Margaret Hawkins<br>8. cc: Paul Wester | DP, WP             | 5           | E-mail (2 pages) re: "Re: WAVES issues to discuss," consisting of a further reply on one issue involving the scope of a General Records Schedule, and appending e-mail thread corresponding to document # 24.<br><br>Duplicate of the e-mail (2 pages).<br><br>Partial duplicate of the e-mail (1 page).<br><br>Additional material released on 5/7/07. |
| 26                             | 10/29/2004    | Unknown           | N/A   | DP                 | 4           | Internal NARA draft document (2 pages) analyzing legal issues surrounding the transfer and disposition of WAVES records maintained by USSS.<br><br>Duplicate of the document (2 pages).   |

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| 27                             | 10/29/2004    | Gary M. Stern | 1. Jennifer Brosnahan<br>2. Paul Colborn<br>3. Tom Dougherty<br>4. cc: Larry Baume<br>5. cc: Stephen Cooper<br>6. cc: Nancy Smith | DP, WP             | 1           | E-mail (1 page) re: "WAVES Records," consisting of NARA General Counsel's comments to Office of Counsel to the President, USSS, and DOJ on the issues raised by document # 18, including questions about the disposition of WAVES records in the possession of USSS.  |
| 28                             | 11/19/2004    | Gary M. Stern | 1. Lewis Bellardo<br>2. Gary M. Stern   | DP, WP             | 1           | E-mail re: "Re: WAVES Records," e-mail thread follow-up to document # 22, referencing upcoming conference call to discuss pending issues, appending an e-mail comprising a one sentence question from Lewis Bellardo dated November 17, 2004, and document # 27.<br><br>Additional material released on 5/7/07.   |
| 29                             | 11/23/2004    | Gary M. Stern | 1. Larry Baume<br>2. Stephen Cooper<br>3. Thomas Cotter<br>4. Sharon Fawcett<br>5. Nancy Smith<br>6. Paul Wester                  | DP, WP             | 2           | E-mail (1 page) re: "WAVES Records," consisting of NARA's General Counsel reporting on conversation with USSS staff regarding issues related to the retention of WAVES records by USSS, in which NARA provided legal advice with respect to USSS' then-current practices; and referencing subsequent inter-agency deliberations on related WAVES retention issues.<br><br>Duplicate of the e-mail (1 page). |

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|                                |               |                    | 7. cc: Lewis Bellardo<br>8. cc: Michael Kurtz<br>9. cc: Howard Lowell  |                    |             |  |
| 30                             | 02/01/2005    | Jennifer Brosnahan | Gary M. Stern  | DP, WP             | 2           | E-mail (2 pages) re: "FW: Another RM Question," e-mail from Associate Counsel to the President to NARA General Counsel, appending e-mail thread consisting of four e-mails between that Associate Counsel and an employee of the White House Office of Records Management, all dated 2/1/05, discussing WAVES retention issues.  |
| 31                             | 07/05         | Unknown            | N/A  | DP, WP             | 6           | Hard copy of powerpoint slides (6 pages) created by USSS Presidential Protective Division staff re "Presentation to the U.S. National Archives and Records Administration," discussing WAVES and ACR document retention issues; includes handwritten notes of NARA's General Counsel.  |
| 32                             | Unknown       | Maggie Hawkins     | N/A  | DP                 | 1           | Handwritten notes regarding WAVES records, appearing to have been taken by NARA staff archivist in connection with powerpoint slides, document # 31, referencing disposition and transfer of WAVES records maintained by USSS.   |
| 33                             | Unknown       | Stephen Cooper     | N/A  | DP                 | 15          | Handwritten notes (15 pages) regarding status of WAVES records in handwriting of NARA archivist referencing disposition and transfer of WAVES records maintained by USSS.  |
| 34                             | 03/01/2006    | Gary M. Stern      | 1. Elizabeth Shapiro<br>2. cc: Jason Baron<br>3. cc: Jennifer Brosnahan<br>4. cc: Paul Colborn<br>5. cc: Tom Dougherty | DP, WP             | 1           | E-mail re: "FOIA Lawsuit on WAVES Records," withheld portion of the document sent by NARA General Counsel to DOJ counsel, with cc's to other attorneys at NARA, DOJ, USSS, and the Office of Counsel to the President, briefly characterizes pending issues with respect to legal status of WAVES records, in light of appended Associated Press article entitled "Group Sues to Get White House Visitor Logs." The AP article has been disclosed. |

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| 35                             | 03/01/2006    | Elizabeth Shapiro | 1. Gary M. Stern<br>2. cc: Paul Colborn<br>3. cc: Jason Baron<br>4. cc: Tom Dougherty<br>5. cc: Jennifer Brosnahan<br>6. cc: Jody Hunt                                | DP, WP             | 1           | E-mail re: "RE: FOIA Lawsuit on WAVES Records," consisting of brief reply by DOJ counsel to document # 34 referencing filing in new FOIA lawsuit. The second page of the e-mail consisting of the AP article and transmission information has been disclosed.<br><br>Additional material released on 5/7/07.   |
| 36                             | 03/01/2006    | Gary M. Stern     | 1. Elizabeth Shapiro<br>2. cc: Jason Baron<br>3. cc: Jennifer Brosnahan<br>4. cc: Paul Colborn<br>5. cc: Tom Dougherty<br>6. cc: Jody Hunt<br>7. cc: Richard Klingler | DP, WP             | 1           | E-mail re: "RE: FOIA Lawsuit on WAVES Records," response by NARA General Counsel to DOJ counsel, discussing legal positions taken in prior litigation, in further reply to e-mail thread as described in document ## 34 & 35, forwarding additional remarks by DOJ counsel on subject of WAVES records contained in an e-mail dated 3/1/06. The second page of the e-mail consisting of the AP article and transmission information has been disclosed.<br><br>Additional material released on 5/7/07. |
| 37                             | 03/01/2006    | Elizabeth Shapiro | 1. Gary M. Stern<br>2. cc: Paul   | DP, WP             | 1           | E-mail re: "RE: FOIA Lawsuit on WAVES Records," response by DOJ counsel to NARA's General Counsel, discussing legal positions taken in prior litigation, in further reply to e-mail thread as described in documents ## 34-36. The second page of the e-mail   |

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|                                |               |                | Colborn<br>3. cc: Jody Hunt<br>4. cc: Jason Baron<br>5. cc: Tom Dougherty<br>6. cc: Jennifer Brosnahan<br>7. cc: Richard Klingler                            |                    |             | consisting of the AP article and transmission information has been disclosed.<br>Additional material released on 5/7/07.   |
| 38                             | 05/02/2006    | Stephen Cooper | 1. Gary M. Stern<br>2. Larry Baume<br>3. Laurence Brewer<br>4. Margaret Hawkins<br>5. Paul Wester<br>6. Sharon Fawcett<br>7. Nancy Smith<br>8. Thomas Cotter | DP                 | 1           | E-mail re: "WAVES in the press," the withheld portion of the document constitutes a NARA staffer's comments on legal issues involving WAVES records in light of the appended Associated Press article entitled "Secret Service to Release Logs on Abramoff Visits." The AP article has been disclosed. |
| 39                             | 05/02/2006    | Paul Wester    | 1. Stephen Cooper  | DP                 | 1           | E-mail re: "WAVES in the press," the withheld portion of the document is a comment made in response by a NARA supervisory official to the e-mail described as document # 38. The AP article has been disclosed.  |

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|                                |               |               |   |                    |             | Additional material released on 5/7/07.   |
| 40                             | 05/02/2006    | Gary M. Stern | 1. Larry Baume<br>2. Laurence Brewer<br>3. Stephen Cooper<br>4. Thomas Cotter<br>5. Sharon Fawcett<br>6. Margaret Hawkins<br>7. Nancy Smith<br>8. Paul Wester | DP, WP             | 1           | E-mail re: "Re: WAVES in the press," the withheld portion of the document consists of a comment by NARA General Counsel Gary Stern in response to the withheld e-mail described as document # 38, referencing an external communication of his on the subject<br>The appended AP article has been disclosed.<br><br>Additional material released on 5/7/07. |
| 41                             | 05/02/2006    | Nancy Smith   | 1. Gary M. Stern<br>2. Larry Baume<br>3. Laurence Brewer<br>4. Margaret Hawkins<br>5. Paul Wester<br>6. Sharon Fawcett  | DP, WP             | 1           | E-mail re: "Re: WAVES in the press," the withheld portion of the document is an additional NARA staffer's response to the withheld e-mail thread described as documents ## 38 & 40. The attached AP article has been disclosed.<br><br>Additional material released on 5/7/07   |

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|                                |               |                   | 7. Stephen Cooper<br>8. Thomas Cotter   |                    |             |   |
| 42                             | 05/02/2006    | Gary M. Stern     | 1. Larry Baume<br>2. Laurence Brewer<br>3. Stephen Cooper<br>4. Thomas Cotter<br>5. Sharon Fawcett<br>6. Margaret Hawkins<br>7. Nancy Smith<br>8. Paul Wester | DP, WP             | 2           | E-mail re: "Re: WAVES in the press," the withheld portion of the document is a response by NARA's General Counsel to the withheld e-mail thread described as documents ## 38, 40 & 41. The attached AP article has been disclosed.<br><br>Duplicate of the e-mail (1 page).<br><br>Additional material released on 5/7/07   |
| 43                             | 05/03/2006    | 1. Stephen Cooper | 1. Larry Baume<br>2. Laurence Brewer<br>3. Thomas Cotter<br>4. Sharon Fawcett<br>5. Margaret Hawkins  | DP, WP             | 2           | E-mail re: "Re: WAVES in the press," the withheld portion of the document consists of a further response by a NARA staffer on WAVES related issues, and an additional opinion offered by NARA staffer contained in an e-mail dated 5/3/06, as well as the withheld portion of the appended e-mail thread described as documents ## 38, 40-42. The attached AP article has been disclosed.<br><br>Additional material released 5/7/07. |

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|                                |               |                    | 6. Nancy Smith<br>7. Gary M. Stern<br>8. Paul Wester  |                    |             |   |
| 44                             | 05/03/2006    | 1. Gary M. Stern   | 1. Larry Baume<br>2. Laurence Brewer<br>3. Stephen Cooper<br>4. Thomas Cotter<br>5. Sharon Fawcett<br>6. Margaret Hawkins<br>7. Nancy Smith<br>8. Paul Wester | DP, WP             | 1           | E-mail re: "Re: WAVES in the press," the withheld portion of the document consists of NARA General Counsel's response to the e-mail thread described as documents ## 38, 40-43, as well as the withheld e-mail thread itself. The attached AP article has been disclosed. Additional material released on 5/7/07.   |
| 45                             | 05/09/2006    | Jennifer Brosnahan | 1. John Kelleher<br>2. Thomas Dougherty<br>3. Mark Robertson<br>4. Gary M. Stern<br>5. cc: Steve  | DP, WP, AC         | 15          | E-mail (1 page) re: "WAVES/ACS records issue," from Associate Counsel to the President soliciting comments on an attached draft nonpublic legal advice memorandum from the Department of Justice's Office of Legal Counsel containing legal advice regarding the status and handling of WAVES records (10 pages), and an attached draft Memorandum of Understanding Between the White House Office and USSS Governing Records Generated By the White House Access Control System (4 pages). The cover e-mail has been released in part. |



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|                                |               |                    | Bradbury<br>6. cc: Paul Colborn<br>7. cc: William Kelley<br>8. cc: Richard Klinger   |                    |             |  |
| 46                             | 05/09/2006    | Gary M. Stern      | 1. Jennifer Brosnahan<br>2. Thomas Dougherty<br>3. John Kelleher<br>4. Mark Robertson<br>5. William Kelley<br>6. Richard Klingler<br>7. Paul Colborn<br>8 Steve Bradbury | DP, WP             | 2           | E-mail re: "RE: WAVES/ACS records issue," consisting of preliminary comments from NARA General Counsel on draft MOU described <i>supra</i> , document # 45, and appending the cover e-mail to document # 45. With additional e-mail from an Associate Counsel to the President dated 5/9/06, requesting comments and discussing future action items. |
| 47                             | 05/09/2006    | Jennifer Brosnahan | Gary M. Stern  | DP, WP             | 2           | E-mail re: "RE: WAVES/ACS records issue," consisting of brief reply by Associate Counsel to the President to a response by NARA General Counsel, in an e-mail dated 5/9/07, addressed to all recipients of document # 46.<br><br>Additional material released on 5/7/07.   |

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| 48                             | 05/10/2006    | Gary M. Stern | 1. Jennifer Brosnahan<br>2. Thomas Dougherty<br>3. John Kelleher<br>4. Mark Robertson<br>5. William Kelley<br>6. Richard Klingler<br>7. Paul Colborn<br>8. Steve Bradbury | DP, WP             | 2           | E-mail re: "RE: WAVES/ACS records issue," consisting of additional comments from NARA's General Counsel on issues in draft MOU described <i>supra</i> , document # 45, and appending e-mail thread from document # 46.   |
| 49                             | 05/10/2006    | Gary M. Stern | Thomas Dougherty  | DP, WP             | 2           | E-mail re: "RE: WAVES/ACS records issue," further exchange of e-mails between NARA General Counsel and USSS relating to e-mail thread represented by document # 46, with appended document # 46.<br><br>Additional material released on 5/7/07   |
| 50                             | 05/10/2006    | Paul Colborn  | Gary M. Stern   | DP, WP, AC         | 14          | E-mail (3 pages) re: "RE: WAVES/ACS records issue," including three further brief e-mail exchanges between NARA General Counsel and DOJ counsel, all dated 5/10/06, regarding the draft nonpublic legal advice memorandum, and appending e-mail thread consisting of document # 48, as well as draft nonpublic legal advice memorandum from the Department of Justice's Office of Legal Counsel containing legal advice regarding the status and handling of WAVES records (11 pages). |
| 51                             | 05/10/2006    | Gary M. Stern | Paul Colborn  | DP, WP, AC         | 3           | E-mail (3 pages) re: "RE: WAVES/ACS records issue," consisting of a further reply from NARA's General Counsel concerning the draft nonpublic legal advice memorandum from OLC, and appending the e-mail thread represented by document # 50.   |

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| 52                             | 05/10/2006    | Paul Colborn  | Gary M. Stern   | DP, WP, AC         | 3           | E-mail (3 pages) re: "RE: WAVES/ACS records issue," further response by DOJ counsel, to e-mail thread represented by document # 51, concerning the draft nonpublic legal advice memorandum from OLC.   |
| 53                             | 05/18/2006    | Gary M. Stern | 1. Stephen Cooper<br>2. cc: Jason Baron<br>3. cc: Lewis Bellardo<br>4. cc: Sharon Fawcett<br>5. cc: Michael Kurtz<br>6. cc: Nancy Smith<br>7. cc: Paul Wester | DP, WP             | 1           | E-mail re: "Re: WAVES," the information withheld consists of a characterization by NARA's General Counsel of the government's filing of legal documents in a related WAVES lawsuit. The remainder of the document has been released.   |
| 54                             | 05/31/2006    | Gary M. Stern | 1. Larry Baume<br>2. Laurence Brewer<br>3. Stephen Cooper<br>4. Sharon Fawcett<br>5. Nancy Smith<br>6. Paul Wester<br>7. cc: Jason                            | DP, WP             | 1           | E-mail (2 pages) re: "FOIA for WAVES Schedules;" the portions withheld discuss NARA's proposed response to a FOIA request (2 pages) attached to the e-mail, from Jo Becker, Washington Post, for Federal Records Act disposal schedules for WAVES records, and also include e-mail thread from NARA staff consisting of comments on recordkeeping issues surrounding USSS WAVES records. The FOIA request portion of the document has been disclosed.<br><br>Additional material released 5/7/07 |

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|                                |               |                    | Baron<br>8. cc: Lewis Bellardo<br>9. cc: John Constance<br>10. cc: Susan Cooper<br>11. cc: Michael Kurtz<br>12. cc: Ramona Oliver<br>13. cc: Allen Weinstein |                    |             |  |
| 55                             | 06/05/2006    | Jennifer Brosnahan | Gary M. Stern  | DP, WP, AC         | 17          | Facsimile transmittal of a cover page (1 page), attaching a nonpublic legal advice memorandum (11 pages) from the Department of Justice's Office of Legal Counsel, dated May 11, 2006, containing legal advice regarding the status and handling of WAVES records, and attaching a draft Memorandum of Understanding Between White House Office of Records Management and the U.S. Secret Service Records Management Program Governing Records Generated by the White House Access Control System (5 pages). |
| 56                             | 06/13/2006    | Jennifer Brosnahan | 1. Carl Nichols<br>2. Gary M. Stern<br>3. Molly Weber<br>4. John Kelleher<br>5. cc: William Kelley<br>6. cc: Richard Klinger                                 | DP, WP             | 1           | E-mail re: "WHACS records/MOU," consisting of internal deliberations initiated by Associate Counsel to the President on matters related to the preservation of WAVES and ACR records in light of one or more pending lawsuits.   |

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| 57                             | 06/14/2006    | Gary M. Stern | 1. Jennifer Brosnahan<br>2. Carl Nichols<br>3. John Kelleher<br>4. Molly Weber<br>5. cc: William Kelley<br>6. cc: Richard Klinger  | DP, WP             | 2           | E-mail re: "WHACS records / MOU," response by NARA's General Counsel to document # 56, with NARA's views on various matters related to the preservation of WAVES and ACR records, with document # 56 appended.   |
| 58                             | 06/15/2006    | Gary M. Stern | 1. Jennifer Brosnahan<br>2. Carl Nichols<br>3. John Kelleher<br>4. Molly Weber<br>5. cc: William Kelley<br>6. cc: Richard Klinger<br>7. cc: Mark Robertson<br>8. cc: Nancy Smith | DP, WP             | 4           | E-mail re: "WHACS records / MOU," primarily consisting of an e-mail thread of NARA, DOJ, and USSS responses to the e-mail described as document # 49, on issues regarding preservation of WAVES and ACR records, including four e-mail exchanges between USSS attorney and an Associate Counsel to the President,(with cc's to recipients ## 1-7 listed at left), all dated June 14 or 15, 2006, one brief e-mail from DOJ counsel Carl Nichols, dated June 14, 2006, and appending the additional e-mails in document # 57. |

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| 59                             | 06/22/2006    | Gary M. Stern | 1. Jennifer Brosnahan<br>2. Carl Nichols<br>3. John Kelleher<br>4. Molly Weber<br>5. cc: Kate Dillon-McClure<br>6. cc: Richard Klinger<br>7. cc: Mark Robertson<br>8. cc: Nancy Smith<br>9. cc: William Kelley | DP, WP             | 5           | E-mail re: "RE: WHACS records/MOU," consisting of the further response of NARA's General Counsel to an e-mail from USSS attorney, dated June 22, 2006, on the further preservation of WAVES and ACR records, including during the pendency of one or more lawsuits, and appending the e-mail thread constituting document ## 56-58. |
| 60                             | 06/22/2006    | Molly Weber   | 1. Gary M. Stern<br>2. Carl Nichols<br>3. John Kelleher<br>4. Jennifer Brosnahan<br>5. cc: Mark Robertson<br>6. cc: Nancy Smith  | DP, WP             | 5           | E-mail re: "RE: WHACS records/MOU," consisting of a further statement by USSS counsel on its recent litigation-related actions, in response to the e-mail thread including e-mails contained in document # 59.  |

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|                                |               |                    | 7. cc: Richard Klinger<br>8. cc: William Kelley   |                    |             |   |
| 61                             | 07/27/2006    | Sara Clash-Drexler | 1. Gary M. Stern<br>2. Jason Baron  | DP, WP             | 1           | E-mail from DOJ attorney re: "CREW Amended Complaint – FRA claim," forwarding an amended CREW complaint for NARA counsel's review and comment.  |
| 62                             | 08/31/2006    | Gary M. Stern      | 1. Jason Baron<br>2. Larry Baume<br>3. Lewis Bellardo<br>4. Laurence Brewer<br>5. Stephen Cooper<br>6. Sharon Fawcett<br>7. Nancy Smith | DP, WP             | 1           | E-mail re: "Fwd: CREW amended complaint," transmitting and discussing legal issues raised by the amended complaint filed by CREW.   |
| 63                             | 09/01/2006    | Stephen Cooper     | 1. Gary M. Stern<br>2. Lewis Bellardo<br>3. Nancy Smith<br>4. Jason Baron<br>5. Larry Baume   | DP, WP             | 1           | E-mail re: "Fwd: CREW motion to dismiss"; e-mail thread consisting of exchange between NARA staff and NARA's General Counsel discussing positions taken by the government in the CREW litigation , and related comments, including three appended e-mails between Gary M. Stern and Stephen Cooper dated 9/1/06.<br><br>Additional material released on 5/7/07. |

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|                                |               |                    | 6. Laurence Brewer<br>7. Sharon Fawcett<br>8. Stephen Cooper<br>9. cc: Paul Wester |                    |             |   |
| 64                             | 09/03/2006    | Jason Baron        | 1. Sarah Clash-Drexler<br>2. Gary M. Stern<br>3. cc: Justin Sandberg               | DP, WP             | 1           | E-mail re: "Re: CREW motion to dismiss," consisting of a NARA lawyer's comments to DOJ counsel on the government's motion to dismiss in the CREW case, with e-mail from DOJ counsel dated 8/31/06, regarding recent court filing, appended. |
| 65                             | 09/06/2006    | Sara Clash-Drexler | 1. Gary M. Stern<br>2. Jason Baron<br>3. cc: Justin Sandberg                       | DP, WP             | 2           | E-mail re: "RE: CREW motion to dismiss —p.s.," DOJ response to NARA lawyer's comments on document # 64, appending document # 64 and a second e-mail from a NARA attorney dated 9/3/06.  |
| 66                             | 09/14/2006    | Sara Clash-Drexler | 1. Gary M. Stern<br>2. Jason Baron<br>3. Justin Sandberg                           | DP, WP             | 1           | E-mail re: "CREW's opposition," DOJ counsel forwarding CREW's opposition to the motion to dismiss discussed in document # 56 and providing brief comments.  |
| 67                             | 09/22/2006    | Gary M. Stern      | 1. Gary M. Stern<br>2. cc: Jason Baron   | DP, WP             | 1           | E-mail re: "WAVES Litigation," note for the record by NARA's General Counsel regarding conversation with DOJ counsel discussing proposed preservation actions by USSS regarding WAVES and ACR records relevant to pending litigation.       |



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| 68                                    | 09/22/2006           | Justin Sandberg | 1. Gary M. Stern<br>2. Jason Baron   | DP, WP                    | 49                 | E-mail (1 page) re: "CREW: Draft of reply in support of motion to dismiss CREW's APA claim," consisting of cover e-mail transmitting and including drafts of attached Motion to Dismiss (2 pages), Memorandum in Support of Motion to Dismiss (17 pages), Reply in Support of Motion to Dismiss (14 pages), Motion to Dismiss FOIA Claims (2 pages), and Memorandum in Support of Motion to Dismiss FOIA Claims (13 pages). |
| 69                                    | 09/22/2006           | Jason Baron     | 1. Justin Sandberg<br>2. Gary M. Stern   | DP, WP                    | 1                  | E-mail re: "CREW: Draft reply in support of motion to dismiss CREW's APA claim," response by NARA counsel to the e-mail described in document # 68, in the form of a question regarding timing of future filing.  |
| 70                                    | 09/22/2006           | Justin Sandberg | 1. Jason Baron<br>2. Gary M. Stern   | DP, WP                    | 1                  | E-mail re: "CREW: Draft reply in support of motion to dismiss CREW's APA claim," further reply of DOJ counsel to NARA counsel timing question in document # 69.   |
| 71                                    | 09/25/2006           | Justin Sandberg | 1. Molly Weber<br>2. Robert Hoyt<br>3. cc: Carl Nichols<br>4. cc: Jody Hunt<br>5. cc: Elizabeth Shapiro<br>4. cc: Sara Clash-Drexler<br>5. cc: Gary M. Stern<br>6. cc: Jason Baron | DP, WP                    | 17                 | E-mail (1 page) re: "CREW: Revised Reply," transmitting and including an attached draft reply brief of the government (16 pages).   |
| 72                                    | 09/25/2006           | Jason Baron     | 1. Justin  | DP, WP                    | 1                  | E-mail re: "RE: CREW: Revised reply," consisting of comments by NARA counsel on   |

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|                                |               |                 | Sandberg<br>2. cc: Gary M. Stern   |                    |             | document # 71.   |
| 73                             | 09/25/2006    | Justin Sandberg | 1. Jason Baron<br>2. cc: Gary M. Stern<br>3. cc: Sara Clash-Drexler  | DP, WP             | 1           | E-mail re: "RE: CREW: Revised Reply," DOJ counsel responding to comments of NARA counsel in document # 72.   |
| 74                             | 09/26/2006    | Justin Sandberg | 1. Molly Weber<br>2. Robert Hoyt<br>3. cc: Carl Nichols<br>4. cc: Jody Hunt<br>5. cc: Elizabeth Shapiro<br>6. cc: Sara Clash-Drexler<br>7. cc: Gary M. Stern<br>8. cc: Jason Baron | DP, WP             | 1           | E-mail re: "RE: CREW: Revised Reply," DOJ counsel providing litigation scheduling update and transmitting copy of government's reply brief.<br><br>Additional material released on 5/7/07.                           |
| 75                             | 10/04/2006    | Justin Sandberg | 1. Gary M. Stern<br>2. Jason Baron   | DP, WP             | 23          | E-mail (1 page) re: "FW: CREW: Reply in support of motion to dismiss FOIA claims," forwarding a cover e-mail attaching the government's draft reply brief (22 pages).<br><br>Additional material released on 5/7/07. |