



George W. Bush Presidential Library and Museum

2943 SMU Boulevard
Dallas, Texas 75205

April 17, 2018

Gabe Roth
121 St. John's Pl.
Brooklyn, NY 11217

Dear Mr. Roth:

This letter is in response to your Freedom of Information Act (FOIA) request dated May 8, 2017 for access to George W. Bush Presidential records pertaining to all correspondence, records, and files of Brett Kavanaugh. Your request was received by the George W. Bush Library on April 5, 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.

A preliminary search of our processed collection holdings revealed approximately 16,180 pages responsive to your request that are publicly available. Historical records at NARA are not governed by the FOIA fee and fee waiver provisions in section 552(a)(4)(A)(vi). Accordingly, the George W. Bush Library does not provide fee waivers for copying. NARA charges standard reproduction fees for copying of historical records in accordance with our statutorily based fee schedule, codified at 44 U.S.C. § 2116(c). We will be happy to provide you with copies of the open and partially open records upon receipt of the reproduction fee of \$0.80 per page. You may also view the documents in our research room at the George W. Bush Library where a self-service copier is available for the price of \$0.25 a page. The Library accepts checks or money orders made out to the National Archives Trust Fund. When you provide a check as payment to the National Archives and Records Administration, please be advised that you authorize them to use the information from your check to make a one-time electronic funds transfer from your account or to process the payment as a check transaction. When NARA uses information from your check to make an electronic funds transfer, funds may be withdrawn from your account as early as they day we receive your payment, and you will not receive your check back from your financial institution. The Library also accepts Visa, Master Card, American Express, or Discover/Novus orders.

You should also be aware that approximately 13,934 pages of George W. Bush Presidential records related to this request were exempted from release in whole or part in compliance with the restrictions of the PRA and applicable FOIA exemptions, which specify what material may be released to the public. The 13,934 pages restricted from access, in whole or in part, is listed along with the exemption categories below. Some pages may be restricted under more than one category.

P1/(b)(1) - 117 pages

P2 - 2 pages

P3/(b)(3) - 31 pages, statutes 10 USC 130b, 50 USC 3024(m)(1), and 50 USC 3507

P5 - 8,165 pages

P6/(b)(6) - 3,195 pages

(b)(7)(c) - 6 pages

(b)(7)(e) - 6 pages

(b)(7)(f) - 6 pages

PRM - 5,562 pages

A list of the PRA restrictions and FOIA exemptions, as well as a copy of the finding aid that describes the processed material is attached.

A Presidential Library Administered by the National Archives and Records Administration

At this time, you have the right to file an administrative appeal of any George W. Bush Presidential records responsive to your FOIA request that have been withheld under a restriction category of the PRA, 44 U.S.C. §2204(a), with the exception noted below. The appeal must be submitted in writing to the Director, George W. Bush Library and Museum, 2943 SMU Boulevard, Dallas, TX 75205. You should also include a copy of your original request and our denial. Both your appeal letter and the envelope should be clearly marked "PRA/FOIA Appeal." You have 35 calendar days from the date of this letter to file your appeal.

You also have the right to file an administrative appeal of any George W. Bush Presidential records responsive to your FOIA request that have been withheld under an exemption category of the FOIA, 5 U.S.C. §552(b) but have not been withheld under a restriction category of the PRA, 44 U.S.C. §2204(a). To appeal a FOIA exemption, the appeal must be submitted in writing to the attention of the Deputy Archivist of the United States, c/o the George W. Bush Library and Museum, 2943 SMU Boulevard, Dallas, TX 75205. You should also include a copy of your original request and our denial. Both your appeal letter and the envelope should be clearly marked "FOIA Appeal." You have 90 calendar days from the date of this letter to file your appeal. The Library will coordinate your appeal with the appropriate authority.

Since these are Presidential records administered in accordance with 44 U.S.C. §§2201-2209, NARA must notify the former and incumbent Presidents prior to the release of any information in response to these appeals. Once an appeal determination is made and the notification period has passed, we will contact you.

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, Washington, DC 20408-0001; email at libraries.foia.liaison@nara.gov; telephone at 202-357-5200; or facsimile at 202-357-5941.

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.

Please note that 117 pages of material responsive to your request have been withheld pursuant to PRA restriction P1 and FOIA exemption (b)(1), (national security classified information). In order to facilitate our ability to more quickly seek a declassification review for those specific documents that are of interest to you, we are no longer referring all classified documents processed in response to your FOIA request to the originating and/or equity agencies for a current classification review. Based on the information provided on our withdrawal sheets, you can request under your existing FOIA or through the mandatory declassification review provisions of Executive Order 13526 a declassification review of those specific documents of interest to you.

We have also identified approximately 429,870 pages and 667,824 electronic files of potentially responsive records that must be processed in order to respond to your request. Please keep in mind that these totals are an estimate and that all material processed may not be applicable to your specific topic.

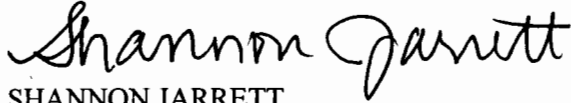
The staff of the George W. Bush Library is currently processing and reviewing FOIA requests that precede your request. To treat everyone equitably, we have placed your request in our complex unclassified electronic queue by the date it was received in our office, and there are 110 requests ahead of yours.

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 these additional requested records. At that point, you may request copies of these records.

If you wish to order copies or need any further assistance, please contact our staff at 214-346-1557 or gwbush.library@nara.gov. Your FOIA case log number is 2017-0345-F. Please have this number accessible for reference during any future contact concerning this case.

Sincerely,

A handwritten signature in black ink that reads "Shannon Jarrett". The signature is written in a cursive style with a large, prominent initial "S".

SHANNON JARRETT
Supervisory Archivist
George W. Bush Library and Museum

SJ: MAC