

**THE WHITE HOUSE**

WASHINGTON

June 1, 2010

Dear Senator Sessions:

I write in response to your letter of May 28, 2010.

As the National Archivist stated in his May 21, 2010 letter to you and Chairman Leahy, President Obama does not intend to assert executive privilege over any of the documents requested by the Committee. Of course, President Clinton also has an interest in these records, and his representative is reviewing them now. At this stage, any discussion of the process for resolving executive privilege claims under Executive Order 13489 is premature. To the extent President Clinton has confidentiality interests in the documents that should be protected, we will first work with his representative to try to reach a mutually satisfactory accommodation with the Committee, as such interests traditionally have been resolved by the Executive and Legislative Branches.

You also asked why the Archivist and President Clinton's representative are reviewing the documents. There are two reasons.

First, although the statutory privilege designations do not apply to the Committee's document request, those designations do apply to requests for public release of these same documents under the Freedom of Information Act.

Second, the Archivist noted in his letter to you and Chairman Leahy that, consistent with the document productions for the nominations of Chief Justice John Roberts and Justice Sonia Sotomayor, the Committee would not receive classified national security information or personal privacy information.

Finally, you asked about White House review of Clinton Library records. I assure you that any such review of these records will not prevent the Archives from producing these documents to the Committee in advance of June 28.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Bauer', with a long horizontal flourish extending to the right.

Robert F. Bauer  
Counsel to the President