



George Bush Presidential Library

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Inventory for FOIA Request 2004-1425-F

Records on Pocket Vetos

Extent

49 folders.

Access

Collection is open to all researchers. Access to Bush Presidential Records, Bush Vice Presidential Records, and Quayle Vice Presidential Records is governed by the Freedom of Information Act (FOIA)(5 USC 552 as amended) and the Presidential Records Act (PRA)(44 USC 22) and therefore records may be restricted in whole or in part in accordance with legal exemptions.

Copyright

Documents in this collection that were prepared by officials of the United States government as part of their official duties are in the public domain. Researchers are advised to consult the copyright law of the United States (Title 17, USC) which governs the making of photocopies or other reproductions of copyrighted material.

Provenance

Official records of George Bush's presidency and vice presidency are housed at the George Bush Presidential Library and administered by the National Archives and Records Administration (NARA) under the provisions of the Presidential Records Act (PRA).

Processed By

Staff Archivists, January 2010. Previously restricted materials are added as they are released.

Related Collections

Related material may be found in FOIA request 2005-1036-F entitled "Veto Threats".

Scope and Content

The materials in FOIA 2004-1425-F are a selective, not necessarily all inclusive, body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related materials.

FOIA 2004-1425-F contains materials from agencies and individuals including the Executive Office of the

President (including the Counsels Office and the Office of Management and Budget), the United States Senate and House of Representatives, and the U. S. Departments of Justice and Defense among others. The subject matter pertains to the debate between the President (and his advisors) and members of Congress regarding the President's use of the "pocket veto" as prescribed in the U. S. Constitution. That executive power is intended to protect both the President's authority to veto legislation while not circumventing the Congress' prerogative to override a veto. The Constitution states:

"... If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law. "

At issue was how the Executive and Legislative branches defined an adjournment that prohibited the President from returning a bill to Congress. The latter insisted that only adjournments *sine die* (from the Latin "without day", meaning without assigning a day for a further meeting or hearing) provided an opportunity for the pocket veto due to each house designating an agent to receive the bills while out of session. The Bush Administration, however, held that the authority to deny passage could also be employed during inter- and/ or intra-session adjournments or recesses. The Statement of Administration Policy regarding the issue read:

"The Constitution states that the President may prevent a bill from becoming law by withholding his signature if the Congress, by adjourning, prevents him from returning the bill. The House and Senate each designate agents to receive veto messages when they adjourn. The Administration believes that the President may exercise his pocket veto whenever Congress adjourns for more than three days."

(Some of the records in this request have been closed due to national security restrictions. These records will be added to the request if and when they are released.)

The WHORM Subject File categories contain correspondence from U.S. Representative Lynn Martin in which she calls for a compromise between the President and Congress on the pocket veto issue, precipitated by H. R. 2712 ("The Emergency Chinese Immigration Relief Act of 1989").

The Staff and Office Files contain correspondence from members of Congress in which they provide the President and his advisors with their understanding of the intent of the pocket veto power and various manners in which to settle the dispute over its meaning; testimony of Department of Justice officials before congressional committees; memoranda and reports from presidential advisors in the Counsels Office regarding their interpretations of the pocket veto authority; advice as to how the pocket veto might (or might not) be employed in regard to specific bills presented to the President during congressional adjournments, its probable testing in court, and discussions of case law pertinent to the issue. A significant amount of the records includes copies of Federal and Supreme Court findings related to past uses of the pocket veto and numerous law journal articles and newspaper clippings in that vein.

System of Arrangement

Records that are responsive to this FOIA request were found in two collection areas—Bush Presidential Records: WHORM Subject Files and Bush Presidential Records: Staff and Office Files. As policy, WHORM Alphabetical Files and WHORM Subject Files are processed at the document level. Staff and Office Files are processed at the folder level, that is, individual documents are not selected and removed from a folder for processing. While this method maintains folder integrity, it frequently results in the incidental processing of documents that are not wholly responsive to the subject area.

The WHORM Subject File compiled by the White House Office of Records Management is comprised of a series of documents assigned a letter/number combination and filed in a subject category. A complete listing of the subject categories including a detailed description of each category is available in our research room and on our website at <http://bushlibrary.tamu.edu/research/find/whorm/whorm.html>.

Please note that a single asterisk "*" indicates that the category is entirely processed and open.

The following is a list of documents and folders processed in response to FOIA 2004-1425-F.

Bush Presidential Records: WHORM Subject Files

Category	Case Number
FG032	Scanned: Case Number 174523
FG050*	Scanned: Case Numbers 356788, 356881CU, 358710CU
IM*	Scanned: Case Numbers 099961CU, 141276CU
IM*	Unscanned: Case Number 098290
LE002*	Scanned: Case Numbers 090424CU, 092155CU, 093842CU, 093842SS, 096656CU, 108018, 109705CU, 109925CU, 127532CU, 141276, 148853SS, 177427CU, 177445CU, 177545, 177545CU, 192059
VA*	Scanned: Case Numbers 359846

Bush Presidential Records: Staff and Office Files

Counsels Office

C. Boyden Gray Files – Subject Files
Pocket Vetoes [OA/ID 45078-009]

C. Boyden Gray Files – Transition Files
Pocket Veto [1] [OA/ID 45085]
Pocket Veto [2] [OA/ID 45085]
Pocket Veto [3] [OA/ID 45085]

Jeffrey Holmstead Files – Environmental Subject Files
Pocket Veto [OA/ID 45134]

Lee S. Liberman Files – General Subject Files
Pocket Veto [1] [OA/ID 45287]
Pocket Veto [2] [OA/ID 45287]
Pocket Veto [3] [OA/ID 45287]
Pocket Veto [4] [OA/ID 45287]
Pocket Veto [5]: Pocket Veto [OA/ID 45287]
Pocket Veto [6] [OA/ID 45287]

Lee S. Liberman Files – Unanswered Staffing WHORM Subject Files
Justice Proposed Report - Re: HR 849, Pocket Veto Clarification [OA/ID 45336]
Honorable Robert H. Michel - opposes H.R. 849, which will codify the circumstances when the President can use the pocket veto; believes accommodation on the pocket veto is the alternative [OA/ID 45336]

Nelson Lund Files – Subject Files

Pocket Veto [1] [OA/ID 45347]
Pocket Veto [2] [OA/ID 45347]
Pocket Veto / Eastern Airlines [OA/ID 45347]

Nelson Lund Files – Legal Issues Subject Files
Pocket Veto [OA/ID 45428]

Robert J. Portman Files – Alphabetical Subject Files
Pocket Veto [OA/ID 01414]

John Schmitz Files – Alphabetical Subject Files
Morris-Udal Bill – Pocket Veto [OA/ID 45687]
Pocket Veto [OA/ID 45690]

Executive Clerk
Bill Files

11/21/90 - Senate 321, Pocket Veto Effective Midnight [1] [OA/ID 03009]
11/21/90 - Senate 321, Pocket Veto Effective Midnight [2] [OA/ID 03009]

Ron Geisler Files
8/11/91 - HR 2699 Pocket Veto [OA/ID 08334]

Legislative Affairs

Miscellaneous Files
Pocket Veto [OA/ID 08633]

James Renne Files
Pocket Veto [OA/ID 07248]

Last modified: 01/06/2010