Extent

61 folders, approximately 4177 pages

Summary

This collection consists of material concerning Presidential succession or disability events and how and when the 25th Amendment is implemented. The Staff and Office files contain reports, briefing materials, correspondence, and press materials relating to working groups and their intensive study of the 25th Amendment. Automated Records Management System (ARMS) Emails contain electronic communications between White House staff concerning government-wide Continuity of Operations (COOP) as well as press releases addressing the decision to not invoke the 25th Amendment during President Clinton’s knee surgery in 1997. National Security Council (NSC) Emails contain discussions regarding the logistics of drafting and transmitting Presidential Decision Directive (PDD) 67 on “Enduring Constitutional Government and Continuity of Government Operations.”

Scope and Content Note

The materials in FOIA 2016-0998-F are a selective body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related material. FOIA case 2016-0998-F contains records concerning planning for the continuity of the Presidency in the event of the President’s death or disability. Specifically these records address the circumstances and mechanisms for the invocation of the 25th Amendment should the President be unable to discharge his duties. A response to the assassination of John F. Kennedy, the Amendment was adopted on February 10, 1967. Under the 25th Amendment, there are two mechanisms for the transfer of power in the event of the disability or death of the President. Section 3 allows the President to temporarily name the Vice President acting President. This was first invoked by President Reagan during his surgery for an intestinal tumor in 1985, establishing a tradition of presidential transfer of power

during medical procedures requiring the use of general anesthesia. Section 4 allows the Vice President, with the majority of the Cabinet, to determine that the President is unable to discharge his duties. It has never been invoked, though it was considered in the aftermath of the assassination attempt on President Reagan in 1981. President Clinton did not invoke Section 3 of the 25th Amendment during his administration. His knee surgery in 1997 was performed without the use of general anesthesia, making transfer of power to Vice President Albert Gore unnecessary, though preparations were made to invoke the Amendment in the event of surgical complications. In 1994, the Working Group on Presidential Disability was established to address perceived weaknesses in the Amendment. The President's physician, Dr. Eleanor Concepcion "Connie" Mariano was part of this working group. The group issued their final report in 1997. In addition to reviewing the procedures of the 25th Amendment, in 1998 President Clinton issued Presidential Decision Directive (PDD) 67 on "Enduring Constitutional Government and Continuity of Government Operations." The PDD remains classified. Many of the records responsive to this FOIA case are located in the files of White House Counsel's Office staff. Emily Karcher and Beth Nolan's records include a binder from March 1993 containing briefing materials, procedures, templates, and plans in the event that either Section 3 or Section 4 of the 25th Amendment is invoked. Cheryl Mills' files contain copies of the 1988 Report of the Miller Center Commission on Presidential Disability and the Twenty-Fifth Amendment, press clipping regarding President Reagan's transfer of power during his intestinal surgery in 1985, records from the Working Group on Presidential Disability and scholarly articles critiquing the Amendment. In the Counsel's Office additional records can be found dealing with the death or disability of the President. The files of David Apol and Bruce Lindsey contain memoranda concerning the ambiguities of the 25th Amendment, two page summaries focusing on various other succession questions (largely what to do if both the President and Vice President are unable to govern), and assorted memoranda to the Attorney General about presidential succession and delegation in cases of disability and prior presidential disabilities. Cheryl Mills has a series of folders addressing the issue of presidential disability. A memo from the Executive Clerk (Ronald Geisler at that time) details "Immediate Presidential Actions to be Considered in the Event of the Death of the President or a Former President." The list lays out seven specific steps that should be taken. These files have documents on the deaths of Franklin Roosevelt, John Kennedy, Dwight Eisenhower, Harry Truman, and Lyndon Johnson and the procedures that were followed beginning with a statement expressing the nation's

grief and ending with the arranging for memorial services. Although National Security Council (NSC) staff files were processed in response to this request, the majority of these were closed for reasons of national security. The only released document from these offices is a briefing on the overlap between PDD 62 on Combatting Terrorism, PDD 63 on Critical Infrastructure Protection, and the U.S. Policy on Continuity of Government. It is located in the records created by Roger Cressey on the Transnational Threats directorate. In addition to the NSC staff files, the NSC Records Management Office numbered documents contain a memo from the Department of Defense requesting a copy of PDD-67. In addition to these textual materials, electronic records were also processed in response to this FOIA request. Email from the Automated Records Management system and Tape Restoration Project contains correspondence between White House Military Office employees concerning preparations for emergency actions and Presidential travel. Email contains correspondence to and from White House Staff concerning government-wide Continuity of Operations (COOP). Email further contains transcripts of press concerning President Clinton's 1997 knee surgery as it related to the 25th amendment. The Automated Records Management System (ARMS) Emails received by NSC staff members contain transcripts of Meet the Press and PBS News Hour tapings during which hypothetical use of the 25th Amendment was mentioned. In addition, the NSC Email system contains press materials regarding President Clinton's overall health, as well as transcripts of briefings and interviews before, during, and after his knee surgery. These emails also contain logistical discussions regarding the development and transmittal of PDD 67.

Record Type

Textual

System of Arrangement

Records that are responsive to this FOIA request were found in these collection areas—Clinton Presidential Records: WHORM Subject Files CF, Clinton Presidential Records: White House Staff and Office Files, Clinton Presidential Records: ARMS Emails, and Clinton Presidential Records: NSC Cable, Email, and Records Management Systems. The White House Office of Records Management (WHORM)

contains a variety of series created to organize and track documents and correspondence. The WHORM Subject File was compiled by the White House Office of Records Management and is a series of categories designated by a letter/number combination. Staff and Office files were maintained at the folder level by staff members within their individual offices and document all levels of administration activity. WHORM files are processed at the document level; whereas, 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 Automated Records Management System (ARMS) is a database that contains email records of the Executive Office of the President. This system maintained unclassified Presidential email. The ARMS database is comprised of six sub-series of email records called "buckets." The buckets generally represent a specific White House office. The buckets are titled: NPR for National Performance Review, OPD for Office of Policy Development, POTUS for President of the United States, WHO for White House Office, CEA for Council of Economic Advisers, NSC for National Security Council, and Default for emails not associated with an office. The NPR bucket contains email created or received by an individual with a National Performance Review (NPR) White House user account. The OPD bucket contains email created or received by an individual with an Office of Policy Development (OPD) White House user account. The POTUS bucket was designated for email created and received by the President of the United States (POTUS). Please note that President Clinton never used his POTUS White House user account to send the few emails he wrote while in office. The WHO bucket contains email created or received by individual with an Executive Office of the President White House user account not identified as CEA, NPR, or OPD. The CEA bucket contains email created or received by an individual with a Council of Economic Advisors (CEA) White House user account. The NSC bucket contains email created or received by and individual with a National Security Council (NSC) White House user account. The Default bucket contains email created or received by unknown or un-recognized email accounts. Email found within the Default bucket often includes email created or received by offices or individuals outside the Executive Office of the President. ARMS email are arranged by topic, there-under by bucket, and there-under chronologically by creation date. FOIA 2016-0998-F includes WHORM records from these subject codes: FE002-01 Presidential Powers – Succession – Term of Office

Access

Collection is open to all researchers. Access to Clinton Presidential Records is governed by the Presidential Records Act (PRA) (44 U.S.C. Chapter 22, as amended) and the Freedom of Information Act (FOIA) (5 U.S.C. 552, as amended) 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 (17 U.S.C. Chapter 1) which governs the making of photocopies or other reproductions of copyrighted material.

Provenance

Official records of William Jefferson Clinton’s presidency are housed at the Clinton Presidential Library and administered by the National Archives and Records Administration (NARA) under the provisions of the Presidential Records Act (PRA).

Processed by

Staff Archivist, 2017. Previously restricted materials are added as they are released.

Last Modified Date

2017-09-22

Container List

The following is a list of documents and folders processed in response to 2016-0998-F (segment 2):

Box 1

Clinton Presidential Records: WHORM Subject Files CF

Category Case Number

FE002-01 060051

[25th Amendment – Presidential Succession]

Clinton Presidential Records: White House Staff and Office Files

Chief of Staff

Greenstone, Jodi

25th Amendment [OA/ID 4353]

Counsel’s Office

Apol, David

[Contingency Plan for the Death or Disability of the President] [1] [OA/ID 18275]

[Contingency Plan for the Death or Disability of the President] [2] [OA/ID 18275]

[Contingency Plan for the Death or Disability of the President] [3] [OA/ID 18275]

[Contingency Plan for the Death or Disability of the President] [4] [OA/ID 18275]

Belk, Peter

[Delegations & Successions]: Delegations & Successions [OA/ID 18955]

Recess Appointments: 25th Am [Amendment]/Pres. [Presidential] Succession-Memo [OA/ID 18953]

Karcher, Emily/Nolan, Beth

Binder: Contingency Plan [1] [OA/ID CF 1806B]

Binder: Contingency Plan [2] [OA/ID CF 1806B]

Binder: Contingency Plan [3] [OA/ID CF 1806B]

Klein, Joel

25th Amendment [OA/ID 6043]

Lindsey, Bruce

Contingency Plans, Death or Disability of the President Prepared by Office of the Counsel to the President, 3/16/93 [1] [OA/ID 20652]

Box 2

Contingency Plans, Death or Disability of the President Prepared by Office of the Counsel to the President, 3/16/93 [2] [OA/ID 20652]

Contingency Plans, Death or Disability of the President Prepared by Office of the Counsel to the President, 3/16/93 [3] [OA/ID 20652]

Clinton Presidential Records: White House Staff and Office Files (continued)
Counsel’s Office
Mills, Cheryl
Presidential Disability Act [1] [OA/ID 20296]
Presidential Disability Act [2] [OA/ID 20296]
Presidential Disability Act [3] [OA/ID 20296]
Presidential Disability Act [4] [OA/ID 20296]
Presidential Disability Act [5] [OA/ID 20296]
Presidential Disability Act: Presidential Emergency Procedures [OA/ID 20296]
Working Group on Presidential Disability [1] [OA/ID 20297]
Working Group on Presidential Disability [2] [OA/ID 20297]
Working Group on Presidential Disability [3] [OA/ID 20297]
Working Group on Presidential Disability [4] [OA/ID 20297]
Working Group on Presidential Disability [5] [OA/ID 20297]
Working Group on Presidential Disability [6] [OA/ID 20297]
Box 3
25th Amendment [OA/ID CF 824]
25th Amendment – Vol. II [1] [OA/ID CF 824]
25th Amendment – Vol. II [2] [OA/ID CF 824]

Nolan, Beth/Karcher, Emily
Contingency Plans: Death or Disability of the President [binder] [1] [OA/ID 24961]
Contingency Plans: Death or Disability of the President [binder] [2] [OA/ID 24961]
Contingency Plans: Death or Disability of the President [binder] [3] [OA/ID 24961]
Contingency Plans: Death or Disability of the President [binder] [4] [OA/ID 24961]
Disability Succession [binder] [1] [OA/ID 24961]
Disability Succession [binder] [2] [OA/ID 24961]
Box 4
Disability Succession [binder] [3] [OA/ID 24961]
National Security Council
Strategic Planning
Bobbitt, Philip
COG [Continuity of Government] – PDD [OA/ID 1753]
Transnational Threats
Cressey, Roger
COOP [Continuity of Operations] Strategy [OA/ID 3190]
White House Operations

General Files
Continuity of Operations [1] [OA/ID 20790]
Continuity of Operations [2] [OA/ID 20790]
Continuity of Operations [3] [OA/ID 20790]
Box 5
Clinton Presidential Records: Automated Records Management System [Email]
OPD [OA/ID 250000]
[25th Amendment]
[03/09/1994 – 02/10/1999]
WHO [OA/ID 500000]
[25th Amendment]
[02/10/1994 – 03/14/1997]
[03/14/1997 – 05/06/1998]
[09/14/1998 – 10/06/1998]
[12/22/1998 – 05/20/1999]
[05/20/1999 – 08/05/1999]
[08/09/1999 – 03/17/2000]
[03/17/2000 – 01/08/2001]
Box 6
Default [OA/ID 1100000]
[25th Amendment]
[11/15/1993 – 04/19/2000]
NSC [OA/ID 1200000]
[25th Amendment]
[09/14/1998 – 02/02/1999]
Clinton Presidential Records: Tape Restoration Project [Email]
WHO [OA/ID 500000]
[25th Amendment]
[10/06/1998]
Default [OA/ID 1100000]
[25th Amendment]
[12/03/1996 – 11/12/1999]
Clinton Presidential Records: NSC Cable, Email, and Records Management System
NSC Email
A1-Record (Jan 93-Sept 94) [OA/ID 570000]
[25th Amendment]
[04/04/1994 – 04/22/1994]

MSMail-Record (Sept 94-Sept 97) [OA/ID 590000]
[25th Amendment]
[09/16/1996 – 05/23/1997]
Exchange-Record (Sept 97-Jan 01) [OA/ID 620000]
[PDD 67]
[11/30/1998 – 01/19/2001]
Clinton Presidential Records: NSC Cable, Email, and Records Management System
NSC Emails
Exchange-Non-Record (Mar 97-Jan 01) [OA/ID 630000]
[25th Amendment]
[09/08/2000]
[PDD 67]
[06/09/1999 – 08/25/1999]
NSC Records Management System
[PDD 67]
9821026 [OA/ID 3988]