Extent

7 folders, approximately 440 pages

Summary

This collection consists of records regarding the application of the Emoluments Clause, Article I, Section 9, Paragraph 8 of the U.S. Constitution. It contains various background material such as congressional records, hearing transcripts, and published court opinions, as well as emails.

Scope and Content Note

The materials in FOIA 2019-0636-F are a selective body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related material. The researcher submitted a request for records regarding the application of the Emoluments Clause, provisions set forth in the United States Constitution. Emoluments are mentioned in three separate provisions. The first, known as the Foreign Emoluments Clause or Titles of Nobility Clause (art. I, § 9, cl. 8), prohibits federal officeholders from accepting any “any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.” The second, the Domestic Emoluments Clause (art. II, § 1, cl. 7), prevents the President from receiving compensation beyond his fixed salary and prohibits Congress from changing the President’s salary as a way to exert control. The third, the Ineligibility Clause (art. I, § 6, cl. 2), mandates that no member of Congress may serve as a federal officer or hold an office if it were created or emoluments increased during their tenure. Records responsive to this request were found in the Counsel’s Office files and the Legal Advisor to the National Security Council. The Counsel’s Office files concern the Ineligibility and the Foreign Emoluments Clauses. The Legal Advisor’s files deal with an aspect of the Foreign Emoluments Clause, featuring an opinion regarding a specific case from the Office of Legal Counsel. Records consist primarily of background material pulled from LexisNexis, such as congressional records,

hearing transcripts, and published past opinions. Electronic records include emails between members of the Counsel’s Office discussing emoluments as it pertains to ethics rules for special government employees.

Record Type

Textual

System of Arrangement

Records that are responsive to this FOIA request were found in these collection areas— Clinton Presidential Records: White House Staff and Office Files, Clinton Presidential Records: ARMS Emails. Staff and Office files were maintained at the folder level by staff members within their individual offices and document all levels of administration activity. 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, and Default for emails not associated with an office. Records responsive to this request were found in the White House Office bucket. 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. ARMS emails are arranged by topic, there-under by bucket, and there-under chronologically by creation date.

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, 2019. Previously restricted materials are added as they are released.

Last Modified Date

2019-06-21

Container List

View all digitized files in the National Archives Catalog (NAC)

The following is a list of documents and folders processed in response to FOIA 2019-0636-F:
Box 1
Clinton Presidential Records: White House Staff and Office Files
Counsel’s Office
Schroeder, Robert (Trey)
Emoluments [CF 867]
Sloan, Cliff
Emoluments Clause [1] [OA/ID 4499]
Emoluments Clause [2] [OA/ID 4499]
Emoluments Clause [3] [OA/ID 4499]
General Files
Emoluments Clause [OA/ID 18678]
National Security Council
Legal Advisor
Baker, James
Emolument Clause [OA/ID 2372]
Clinton Presidential Records: Automated Records Management System [Email]
WHO [OA/ID 500000]
[Emoluments Clause]
[04/06/1994 – 01/04/2001]

Content Available Online