

# CREW | citizens for responsibility and ethics in washington

December 2, 2008

FOIA Officer  
National Archives and Records Administration  
NGC-Room 3110  
8601 Adelphi Road  
College Park, MD 20740

By FAX to 301 837-0293

Re: FOIA Request

Dear Sir/Madam:

I hereby request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, a copy of a memorandum dated October 8, 2008, from White House Counsel Fred Fielding concerning implementation of the Presidential Records Act. Both National Archives and Records Administration ("NARA") General Counsel Gary Stern and NARA official Nancy Kegan Smith have copies of this memorandum, as confirmed in Ms. Smith's deposition testimony in CREW, et al. v. Cheney, et al., Civil No. 08-1548 (CKK). Please note that by order dated November 12, 2008, in that litigation the Court concluded that this memorandum was not subject to a proper claim of privilege.

Ms. Smith has testified that the memorandum consists of 10 pages. Accordingly, this request should generate no fee. If there is a fee incurred by this request, however, please contact me to discuss that fee.

If you have any questions about this request or foresee any problems in releasing fully the requested memorandum, please contact me at (202) 408-5565. Please send the requested record to Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 1400 Eye Street, N.W., Suite 450, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely,



Anne L. Weismann  
Chief Counsel