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**RESOLUTION CONCERNING H.R. 4187,
PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2002**

WHEREAS, the Presidential Records Act of 1978, 44 USC 2201-2207, affirmed the public's legitimate right of access to presidential records; and

WHEREAS, Executive Order 13233 substantially limits that right by giving incumbent and former presidents expanded veto power over any public release of materials by the Archivist of the United States; and

WHEREAS, Executive Order 13233 restricts the public's access to information by invoking vastly expanded assertions of Constitutional executive privilege over public information; and

WHEREAS, the American Library Association urged Congress to amend the Presidential Records Act as necessary to reaffirm the intent of Congress that presidential records be made generally available to the public with limited statutory restrictions by the end of twelve years; and

WHEREAS, H.R. 4187, the Presidential Records Act Amendments of 2002, would amend the Presidential Records Act by establishing procedures for the consideration of claims of constitutionally based privilege against disclosure of presidential records; and

WHEREAS, H.R. 4187 would allow privilege claims only by the former president during whose term of office the record was created, and by the incumbent president; and

WHEREAS, H.R. 4187 would require that these claims state the nature of the privilege and the specific grounds for the claim; and

WHEREAS, H.R. 4187 would place strict limits on the time allowed for the submission of claims and on any related embargo on the release of public records; and

WHEREAS, H.R. 4187, upon the expiration of these statutorily defined periods, would require the Archivist to make publicly available any records subject to a privilege claim submitted by a former president unless otherwise directed by a court order; and

WHEREAS, H.R. 4187 would nullify Executive Order 13233; therefore, be it

RESOLVED, that the American Library Association reaffirm its support of the public's legitimate right of access to presidential records; and be it further

RESOLVED, that the American Library Association support H.R. 4187, the Presidential Records Act Amendments of 2002, and encourage its members to ask their legislators to co-sponsor and support the enactment of H.R. 4187 by the end of the 107th Congress.

Adopted by the Council of the
American Library Association
Atlanta, GA
June 19, 2002

Wm R. Gordon
Secretary of the ALA Council