

**STATEMENT OF THE HONORABLE HENRY A. WAXMAN
AT THE LEGISLATIVE HEARING ON H.R. 4187
THE PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2002**

APRIL 24, 2002

Thank you, Mr. Chairman. I would like to commend you and Rep. Schakowsky for the work you have done on H.R. 4187. I believe it is a good bill, and a necessary one. That is why I joined you, Rep. Schakowsky, and full Committee Chairman Burton as an original cosponsor.

The Bush executive order, which changes the management of the Presidential Records Act, is seriously flawed. The order takes a law that was designed to make documents readily available to the public and establishes procedures that are designed to block access.

In 1989, President Reagan issued an executive order to implement the Presidential Records Act. This order set up a process for claims of executive privilege by former Presidents to be reviewed and evaluated. The new order by President Bush eliminates any review. Any claim of executive privilege, legitimate or not, must be followed by the Archivist.

Once a former President claims executive privilege, President Bush's order also makes it very difficult for a citizen to challenge that claim. In order to prevail in court, the order requires a citizen to show a demonstrated and specific need for the documents. How do you do this if you are denied access to the documents?

President Bush's executive order even appears to establish a process for extending executive privilege to former Vice Presidents. The first beneficiary of this new process would be his own father. No court has ever recognized such a right for Vice Presidents.

H.R. 4187 revokes the misguided executive order issued by President Bush. In its place, it essentially codifies the terms of the executive order issued by President Reagan. H.R. 4187 also puts into law specific time limits for the review of documents, thereby preventing current and former Presidents from delaying decisions indefinitely.

I hope we can move this bill through the Committee quickly and then bring it before the House.