

Comments on Disclosure of Agency Legal Materials from Senior Fellow Alan Morrison  
May 8, 2023

I have a few specific comments on this draft, but first, I continue to object to the exclusion of the OLC recommendation. I am also puzzled by the deletion of the recommendations regarding presidential records, but will not press that matter.

Preamble - Line 17 - I suggest that "encountered" is not the right word, because that sounds like ACUS had problems because of what follows. I suggest "discovered."

Lines 30-31. I suggest moving "however" in line 31 to the start of that sentence since it appears to modify both parts, and not just the second.

I suggest that note 7, on the use of "provide," be moved to the text. It is quite important; the other notes are all simply citations.

Recommendation 1, line 42. To conform to what was note 7, as well as recommendation 2, I would change "clarify or require" to "provide."

Line 50. I would break this very long recommendation into two sentences, ending with "entity" and starting the next one with something like "The amendment would apply to documents" ...

Recommendation 3, line 72: delete "- that is," as unnecessary given the rewrite.

Line 75, I think you need an "s" on plan.

Recommendation 5 - Line 89. Delete "by statute" - how else does Congress act?

I have a few minor comments on recommendations 6 & 7, but I will wait to see what changes are made before raising them.