

# **George W. Bush Presidential Library**

**Collection:** Counsel's Office, White House

**Series:** Kavanaugh, Brett – Subject Files

**Folder Title:** Texas Governor Records

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TO: Brett Kavanaugh COMPANY: \_\_\_\_\_

FROM: Terri Lacy EMPLOYEE NO.: 1175

DATE: December 21, 2001

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MESSAGE

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December 21, 2001

**The Washington Post Company  
Washington, D.C.**

Dear Sirs:

As President Bush's personal attorney, I write in response to Stephen Hensen's December 16 article regarding President Bush's Texas gubernatorial papers. Mr. Hensen alleges that Governor Bush's Administration somehow acted inappropriately by providing his official gubernatorial records to the George H.W. Bush Presidential Library at Texas A&M, rather than to the Texas State Library and Archives. Mr. Hensen's allegations are erroneous and misstate Texas law.

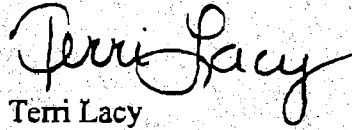
Contrary to Mr. Hensen's suggestions, Section 441.201 of the Texas Government Code expressly provides that "in consultation with the [Texas State Library and Archives] commission, a governor may designate an institution of higher education or alternate archival institution in the state, in lieu of the Texas State Library and Archives, as the repository for the records of the executive office of the governor created or received during that governor's term of office." Consistent with this law, in December 2000 then Governor Bush and the State Library and Archives Commission signed a Designation Agreement naming the George Bush Presidential Library and Museum in College Station, Texas, as the repository for the executive office records of Governor Bush's Administration. The records were then shipped to the Library with the knowledge of the Library's Director, David Alsobrook (a fact that belies Mr. Hensen's claim that Presidential Library officials were "surprised" at receiving the records).

Since that time, representatives for the State Library and Archives Commission, the federal National Archives and Records Administration, the Office of the Governor of the State of Texas and President Bush's personal representatives have worked diligently to finalize a memorandum of understanding concerning the processing of the papers. The parties plan to sign an interim memorandum that will govern the papers until the Texas Attorney General issues an opinion addressing certain issues that remain unresolved. After the issuance of that opinion, the parties will sign a final memorandum of understanding. In the meantime, however, requests from the public are being processed as expeditiously as possible consistent with the fact that it takes a substantial amount of time to properly catalogue this quantity of records.

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All of the parties in this process want the papers to be as accessible to the public as possible, and everyone has worked together in a spirit of cooperation to attain that goal.

Very truly yours,

A handwritten signature in cursive script that reads "Terri Lacy". The signature is written in black ink and is positioned above the printed name.

Terri Lacy

1175:bt