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FOIA MARKER

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Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files

OA/ID Number: 29166
Folder ID Number: 29166-001

Folder Title:
Pan Am 103 Commission (1989)

Stack:	Row:	Section:	Shelf:	Position:
G	15	25	3	4

THE WHITE HOUSE

WASHINGTON

6123

August 30, 1989

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: BRENT SCOWCROFT *BJS*
SUBJECT: Reply to Mr. and Mrs. Peter Lowenstein on the
Pan Am 103 Bombing

Purpose

To respond to the letter from Mr. and Mrs. Lowenstein regarding Pan Am 103.

Background

Mr. and Mrs. Lowenstein, parents of Alexander Lowenstein who was killed in the bombing of Pan Am Flight 103, request assurance that the U.S. Government is continuing to do everything possible to apprehend those who committed this terrorist act. A proposed response is at Tab A.

They also expressed concern over the lack of contact with the victims' families by the Executive branch (Tab B). Specifically, they claim that the first official contact with them by the State Department was on May 24, 1989. Attached at Tab C is a chronology of contact provided to you by the State Department. As is evident there are inconsistencies between the Lowenstein letter and State's chronology. These inconsistencies and other matters relating to support of family members of those killed in terrorist incidents will be addressed by the commission you created to investigate the Pan Am 103 bombing.

RECOMMENDATION

That you sign the letter to Mr. and Mrs. Peter Lowenstein at Tab A.

Attachments

Tab A Letter to Mr. and Mrs. Lowenstein
Tab B Letter from Mr. and Mrs. Lowenstein
Tab C Lowenstein Case Chronology

cc: Vice President
Chief of Staff

TAB A

THE WHITE HOUSE

WASHINGTON

Dear Mr. and Mrs. Lowenstein:

Let me begin by assuring you that the investigation into the bombing of Pan American Flight 103 is proceeding with intense urgency and that this Administration remains totally committed both to bringing to justice those who commit terrorist acts and to ending terrorism worldwide. Our effort constitutes the most comprehensive investigation of its kind and involves many foreign governments as well as our own. As with any criminal investigation, however, it is important not to jeopardize or prejudice the case by premature disclosures or by statements of senior government officials.

I continue to be deeply concerned about the government's response to the concerns of families. Senseless and insidious acts of terrorism cause unequalled pain to families and friends alike, and our government should be as helpful as possible. Accordingly, I have chartered a Commission to examine the government's responsiveness to the needs of families and friends when such tragedies occur as well as to review aviation safety matters more generally.

Barbara and I share your suffering and offer our prayers for the future.

Sincerely,

Mr. and Mrs. Peter Lowenstein
24 Old Orchard Road
Morristown, New Jersey 07960



TAB B

46626
PETER LOWENSTEIN

24 OLD ORCHARD ROAD - MORRISTOWN, N.J. 07960

305
June 14, 1989

Mr. George Bush
The White House
Washington, D.C.

Dear Mr. President:

Our son, Alexander Lowenstein, was one of the 270 people murdered when Pan Am flight #103 was bombed out of the sky. He was killed for only one reason: because he was an American flying on an American flag carrier. Our son is dead and nothing can change that!

What can be changed is the apparent attitude of our government that this was "business as usual". We have heard nothing from the Executive Branch of government other than your April 6 letter of condolence. Our first official contact from the State Dept. was a letter from Ms. Joan Clark dated May 24, 1989 asking what they could have done better. Initial contact from our government agency responsible for U. S. citizens abroad more than five months after the fact? The delay in writing that letter tells quite well what could have been done better.

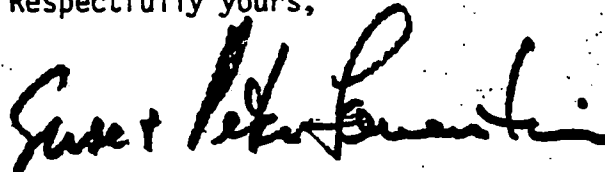
We really do not want to dwell on the negative. What we really do want to hear from you and to know is that everything possible is being done to apprehend those cowardly fanatics who killed 270 innocent people and that once found, our government will know how to deal with that. Our concern is that there is likely to be a political problem in getting the guilty persons to trial and bring them to justice. Is there anything that you can share with us that might allay our concerns in that regard? Can you assure us that whoever it was that killed our son will be found and brought to a swift justice?

Mr. President, as naturalized citizens of these United States perhaps we can appreciate the greatness of our country even more than those native born; we are here by choice. As a parent yourself, you can surely appreciate that with all that has taken place, the foundation of our strong positive feelings for our adopted country has been shaken. This is due primarily to the fact that we do not know what our government has undertaken in this matter. We hope and pray that there are things happening behind the scenes about which we do not know.

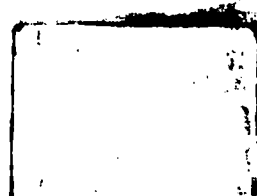
(over please)

Of course we realize that you are a very busy man with many important things to fill your day. Never the less, we would greatly appreciate your giving a few moments of thought to our quest and perhaps let us hear something that will help to ease our pain and give us some hope.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Suse + Peter Lowenstein". The signature is written in a cursive, flowing style with a large initial "S" and "P".

Suse and Peter Lowenstein



TAB C

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Chronology	Case Chronology Alexander Lowenstein (4 pp.)	n.d.	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: Pan Am 103 Commission (1989)

Date Closed: 3/19/2003	OA/ID Number: 29166-001
FOIA/SYS Case #: 1998-0034-F	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
(b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
(b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
(b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
(b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
(b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
(b)(9) Release would disclose geological or geophysical information

NATIONAL SECURITY COUNCIL

3-Aug-1989 17:56 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Nicholas Rostow

(ROSTOW)

FROM:

Daniel Levin
(LEVIN)

SUBJECT:

Pan Am Executive Order

1. Andrew Card called: Sununu, McClure and Mitchell have agreed that the commission could be announced via a White House press release tomorrow morning (Dole and Mitchell may also do something), with the Order to be signed later when it is ready. I have passed this along to Phil Brady.

2. Carolla called on two points:

a. He thinks the families will accept the order although they aren't happy with the lack of subpoena power or of the word "investigate".

b. He said the families had provided some possible names for the commission:

-- Paul Hudson (who Carolla said he knew was unacceptable)

-- David Austern, an attorney who is an adjunct professor at Georgetown, was a prosecutor (worked on the Meese investigation) and was affiliated with the Manville trust

-- Billy Vincent, former FAA security expert who has been a consultant to the families group

-- Lt Col William Crobett, former NATO counterterrorism expert

The families do not want any present or former airline security officer, State Department security officer or member of the Air Transport Association.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

5931
Add-on

August 2, 1989

INFORMATION

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: *β* NICHOLAS ROSTOW *DL*

SUBJECT: Pan Am 103 Commission

As you requested, this note summarizes the points likely to be raised by Senators Mitchell and Dole when you next talk about the Pan Am 103 Commission. On balance, we seem to be very close to agreement on the Executive Order. The attached version reflects the latest minimal changes, which have been cleared with Transportation, State, and Justice (Tab I).

Mitchell's staff says the victims' families would like the opportunity to suggest one of their number for membership on the Commission. They also do not want the Transportation Department to have anything to do with the Commission, including providing physical space.

Mitchell's staff wondered if we could have an informal understanding to agree that no Administration official would be included on the Commission.

Mitchell may call you to finalize the arrangements. Among the issues he would likely raise are: timing and choreographing of the announcement and modalities of paying for the Commission. The present proposal to have Transportation, State and the White House share costs is unorthodox and causes Mitchell some political concern about the reaction of the victims' families.

Attachment

Tab I Draft Executive Order

D R A F T
8/02/89, p.m.

EXECUTIVE ORDER

- - - - -

PRESIDENT'S COMMISSION ON AVIATION SECURITY AND TERRORISM

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to establish a Commission on Aviation Security and Terrorism, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is established the President's Commission on Aviation Security and Terrorism to review and evaluate policy options in connection with aviation security, with particular reference to the destruction on December 21, 1988, of Pan American World Airways Flight 103. The Commission shall consist of seven members appointed by the President. Two members shall be Senators and two shall be Members of the House of Representatives; they shall represent both parties equally. The President shall consult with the Majority and Republican Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives in making appointments from the Senate and House of Representatives, respectively.

(b) The President shall designate a Chairman from among the members of the Commission.

Sec. 2. *Functions.* (a) The Commission shall conduct a comprehensive study and appraisal of practices and policy options

with respect to preventing terrorist acts involving aviation. In conducting this effort, the Commission shall evaluate the adequacy of existing procedures for aviation security, compliance therewith, and enforcement thereof. The Commission also shall review options for handling terrorist threats, including prior notification to the public. Further, the Commission shall investigate practices, policies, and laws with respect to the treatment of families of victims of terrorist acts.

(b) Within six months of the date of this Order, the Commission shall submit a report to the President, which shall be classified if necessary, containing findings and recommendations. If the Commission's report is classified, an unclassified version shall be prepared for public distribution.

Sec. 3. *Administration.* (a) To the extent permitted by law and fully protecting intelligence sources and methods and the ongoing investigations into the destruction of Pan Am Flight 103 of December 21, 1988, the heads of Executive departments, agencies, and independent instrumentalities shall provide the Commission, upon request, with such information as it may require for purposes of carrying out its functions.

(b) Members of the Commission appointed from among private citizens may receive compensation for their work on the Commission at the daily rate specified for GS-18 of the General Schedule. While engaged in the work of the Commission, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of

subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707).

(c) To the extent permitted by law and subject to the availability of appropriations, the Departments of State and Transportation and the Office of Administration, Executive Office of the President, shall provide the Commission with administrative services, funds, facilities, staff, and other support services necessary for the performance of its functions.

(d) The Commission shall adhere to the requirements set forth in the Federal Advisory Committee Act, as amended (5 U.S.C. App. I). All Executive branch officials assigned duties by the Federal Advisory Committee Act shall comply with its requirements with respect to this Commission.

Sec. 4. *General Provision.* The Commission shall terminate 30 days after submitting its report to the President.

THE WHITE HOUSE,

MEMORANDUM

Rec'd COS
JUL 31 1989
Norm

TO: Governor Sununu

DATE: 7/29/89

FROM: Senator Mitchell

RE: Proposed Pan Am 103 Action

When we discussed the draft Pan Am 103 legislation earlier this week, you expressed concern for intelligence matters. I indicated my willingness to consider incorporating your suggestions for specific protective language into the legislation. You asked if I would consider accomplishing our objective by Executive Order. I and my staff have now reviewed your draft Executive Order. Unfortunately, it largely reflects a "working group" concept that previously was raised and rejected at the staff-level.

Although the President obviously is free to issue an Executive Order anytime, I am advised that the Families of the Victims of Pan Am Flight 103 presently distrust and oppose such action. Whatever hope might exist for their acceptance of an Executive Order would depend on its substantive credibility.

I am attaching a copy of Senator Dole's and my proposed legislation, which previously has been shared with Administration representatives. I renew my invitation of specific language to protect intelligence concerns. In fact, the draft already incorporates language and changes suggested by the Senate Intelligence Committee for this same purpose.

With reference to both the draft Executive Order (EO) and the draft legislation (DL), I make the following observations:

1. Functions:

a. The EO's charge to the commission is to "evaluate policy options" for aviation security "particularly with respect to incidents...such as" the Pan Am 103 bombing. The DL's intent is to have an "investigation" of such issues "focusing on the destruction" of Pan Am Flight 103. Although the DL does not intend for current criminal or counter-terrorism investigations to be duplicated, and both the EO and DL intend for broad policy issues to be addressed, the EO as presently drafted shifts the focus too much away from events surrounding the Pan Am 103 bombing.

b. There is some common ground between the EO's Functions (Sec. 2) and those of the DL (Sec. 4). However, the EO again lacks a specific review of security measures present in the case of Pan Am Flight 103; or a review of coordination between Federal agencies, air carriers, and other authorities in the assessment and distribution of intelligence information and the evaluation and dissemination of terrorist threats.

2. Membership

a. The EO's requirement that all persons be appointed from among persons "with extensive experience in security and transportation" is overbroad. Diverse backgrounds may be an asset. With the assumption that judgment will be used in selection of members, it is preferable simply not to state any requirements---except to guarantee specific, limited representation.

b. The DL reflects a strong preference that one member be a representative of the Families of Victims of Flight 103 and that no one who has been a member or employee of the Executive Branch since January 1, 1988 be eligible for membership. The latter point is viewed as essential for an independent review.

3. Establishment/Timing

a. The EO does not indicate a time-frame for appointment of members; however, requires a submission of findings and recommendations within 90 days from the date of the order. The DL requires appointments "not later than 20 days" after enactment; this provision is in response to the express concern of at least one Senator that the work of the Commission not be jeopardized by any initial delay.

b. The EO has a reporting deadline of 90 days; the DL proposes 9 months---which actually is an extension of a 6-month period requested by the Families and contained in earlier drafts of the legislation. Sufficient time needs to be provided for credible, adequate investigation and review of issues. 90 days is probably too short; particularly, if there is delay in the appointment of members and in securing staff and any necessary clearances for access to classified information.

4. Powers

The EO lacks the DL's provisions for a Commission power to subpoena witnesses and documents; compel testimony; and the requirement for cooperation by Federal agencies to furnish information, including classified information subject to appropriate safeguards. These provisions are intended to assure cooperation and an effective inquiry. They are viewed as essential in light of the public opposition of Executive agencies thus far to a commission, and in light of direct representations made in some instances that there would be no cooperation in submitting information even to an Executive/Legislative "working group."

5. Staff/Resources

The EO (Sec. 3b) envisions DOT, State, and the White House providing the Commission with administrative services, funds, facilities, staff, etc. "as may be necessary for the performance of its functions." Although such support and assistance should not be precluded (See DL Sec.5d), it is essential for the credibility of the intended independent review that the Commission have a clear capacity to function independently of Executive agencies; i.e., in funding, staff, research. This has been one of the strongest arguments in some discussions for proposing an entirely separate Congressional investigation as an alternative. The DL proposes a \$2 million authorization---which was estimated by Senate committee staff as a somewhat flexible function of the 9-month time-frame; the degree/depth of review envisioned; potential travel needs; and comparison to other special commission authorizations.

6. Report/Records

The EO requires reporting findings and recommendations to the President. There is no clear requirement of an unclassified, public report with an adequate number of copies for wide review. (See, e.g., DL Sec.4d). The DL also requires that records of the Commission be deposited with the Federal Aviation Administration and be subject to Freedom of Information Act provisions.

Thank you for your willingness to consider this matter. I look forward to your prompt response.

(STAFF WORKING DRAFT)
(JULY 19, 1989)

101st CONGRESS
1st Session

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. _____ introduced the following bill; which was read
twice and referred to the Committee on

A B I L L

To establish a commission on aviation security and
terrorism to investigate the adequacy of and compliance
with aviation security procedures and Federal Aviation
Administration security requirements, procedures, and
practices.

Be it enacted by the Senate and House of
Representatives of the United States of America in Congress
assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "Aviation
Security and Terrorism Commission Act of 1989".

1 ESTABLISHMENT OF COMMISSION

2 SEC. 2. There is established a commission to be known as
3 the Commission on Aviation Security and Terrorism
4 (hereinafter referred to as the "Commission").

5 MEMBERSHIP OF COMMISSION

6 SEC. 3.(a)(1) The Commission shall be composed of 7
7 members, who shall be as follows:

8 (A) 2 Senators appointed by the President pro
9 tempore of the Senate after consultation with the
10 Majority Leader and Minority Leader of the Senate.

11 (B) 2 Members of the House of Representatives
12 appointed by the Speaker of the House after consultation
13 with the Majority Leader and the Minority Leader of the
14 House of Representatives.

15 (C) 3 members appointed by the President, of whom
16 1 shall be a representative of the commercial air
17 transportation industry, 1 shall be a representative of
18 the intelligence community, and 1 shall be a
19 representative of the family support group known as the
20 Victims of Pan Am Flight 103.

21 (2) Appointments of members under paragraph (1) shall be
22 made not later than 20 days after the date of enactment of
23 this Act.

24 (b) No member of the Commission shall at the time of
25 such member's appointment be an employee or officer of the

1 Executive Branch of the Federal Government, nor shall any
2 member have been an employee or officer of the Executive
3 Branch after January 1, 1988.

4 (c) The Commission shall elect a Chairperson from among
5 the members of the Commission.

6 (d) A majority of the members of the Commission shall
7 constitute a quorum for the transaction of business.

8 (e) Each member of the Commission shall be entitled to 1
9 vote, which shall be equal to the vote of every other member
10 of the Commission.

11 (f) Any vacancy on the Commission shall not affect its
12 powers, but shall be filled in the manner in which the
13 original appointment was made.

14 FUNCTIONS OF COMMISSION

15 SEC. 4.(a) The Commission shall undertake an
16 investigation into aviation security and the prevention of
17 terrorist acts against aviation, focusing on the destruction
18 of Pan American World Airways flight 103 on December 21,
19 1988.

20 (b) The Commission shall submit a report not later than
21 9 months after the date of enactment of this Act to the
22 President, the Department of Transportation, and the
23 appropriate committees of the Congress. Such report shall
24 include an assessment of--

1 (1) the adequacy of Federal Aviation Administration
2 aviation security requirements, procedures, and
3 practices (including those related to known terrorist
4 threats), and the adequacy of air carrier and airport
5 security procedures and practices;

6 (2) the adequacy of the compliance of air carriers
7 and airports with the security requirements of the
8 Federal Aviation Administration;

9 (3) the ability of the Federal Aviation
10 Administration to enforce such security requirements;

11 (4) whether these aviation security requirements,
12 procedures, and practices were adequately complied with
13 by Pan American World Airways, its subsidiaries and
14 contractors, and airport authorities prior to the the
15 December 21, 1988 incident involving Pan Am flight 103;

16 (5) the coordination among Federal agencies of
17 aviation security and related counter-terrorism
18 procedures and practices, including procedures and
19 practices involving the assessment and distribution of
20 intelligence; and

21 (6) the policies, procedures, and practices of the
22 Federal Government, air carriers, and airport
23 authorities with respect to the evaluation and
24 dissemination of known terrorist threats to the air
25 transportation industry.

1 (c) In its report, the Commission shall make
2 recommendations for changes in all laws, policies,
3 procedures, practices, and regulations relating to security
4 of commercial air transportation.

5 (d) The Commission shall also prepare a separate version
6 of its report for public distribution, excluding such
7 information that is classified or the disclosure of which
8 would threaten the safety of air travel. Not less than 2,500
9 copies of the report shall be printed for public distribution
10 purposes.

11 POWERS OF COMMISSION

12 SEC. 5.(a) The Commission may, for the purpose of
13 carrying out the provisions of this Act, hold such hearings,
14 sit, and act at such times and places as the Commission may
15 find advisable. The Commission shall have the power to take
16 testimony under oath, to subpoena witnesses, documents,
17 records, and evidentiary materials, and to grant immunity
18 from prosecution in consultation with the Attorney General.

19 (b) The Commission may adopt such rules and regulations
20 as may be necessary to establish its procedures and to govern
21 the manner of its operations, organizations, and personnel.

22 (c) Notwithstanding any other provision of law, the head
23 of any Federal agency or instrumentality shall, upon request
24 by the Commission, furnish to the Commission such
25 information, including classified information, subject to

1 appropriate safeguards, as the Commission may require for the
2 purpose of this Act.

3 (d) Upon the request of the Chairperson of the
4 Commission, the head of any Federal agency or instrumentality
5 shall--

6 (1) make any of the facilities and services of such
7 agency or instrumentality available to the Commission;
8 and

9 (2) detail any of the personnel of such agency or
10 instrumentality to the Commission, on a reimbursable
11 basis, to assist the Commission in carrying out its
12 duties under this Act, except that any expenses of the
13 Commission incurred under this paragraph shall be
14 subject to the limitation set forth in section 7.

15 (e) The Commission may use the United States mails in
16 the same manner and under the same conditions as other
17 Federal agencies.

18 (f) The Commission may enter into contracts with private
19 firms, institutions, and individuals for the purpose of
20 conducting research necessary to enable the Commission to
21 discharge its duties under this Act, subject to the
22 limitation on total expenses set forth in section 7. .

23 (g)(1) Subject to such rules and regulations as may be
24 adopted by the Commission and subject to the limitation on
25 total expenses set forth in section 7, the Chairperson of the

1 Commission shall, without regard to the provisions of title
2 5, United States Code, governing appointments in the
3 competitive service, and without regard to the provisions of
4 chapter 51 and subchapter III of chapter 53 of such title
5 relating to General Schedule pay rates, have the power to
6 appoint, terminate, and fix the compensation of such staff
7 personnel as the Chairperson considers necessary.

8 (2) Any person appointed as executive director of the
9 Commission under paragraph (1) shall meet the same
10 qualifications required of members under section 3(b) of this
11 Act.

12 (h) Nothing in this Act shall be construed to interfere
13 with the authority of the Director of Central Intelligence
14 under the National Security Act of 1947 to provide for the
15 protection of intelligence sources and methods.

16 COMPENSATION OF MEMBERS

17 SEC. 6. Members of the Commission shall serve without
18 compensation, but shall be reimbursed for travel or
19 transportation expenses under subchapter I of chapter 57 of
20 title 5, United States Code, while away from their homes or
21 regular places of business and engaged in the actual
22 performance of duties of the Commission.

23 EXPENSES OF COMMISSION

1 SEC. 7.(a) Any expenses of the Commission shall be paid
2 from funds made available to the Department of
3 Transportation.

4 (b) The total expenses of the Commission shall not
5 exceed \$2,000,000.

6 (c) Prior to the termination of the Commission pursuant
7 to section 8, the Comptroller General of the United States
8 shall conduct an audit of the financial books and records of
9 the Commission to determine that the limitation on expenses
10 has not been exceeded, and shall include its determination in
11 an opinion to be included in the report of the Commission.

12 TERMINATION OF COMMISSION; TRANSFER OF RECORDS

13 SEC. 8.(a) The Commission shall cease to exist on the
14 date that is 30 days after the date on which the Commission
15 submits its report.

16 (b) Immediately prior to the termination of the
17 Commission, the records of the Commission shall be turned
18 over to and maintained by the Administrator of the Federal
19 Aviation Administration, subject to section 552 of title 5,
20 United States Code.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

5931
Add-on

August 2, 1989

INFORMATION

MEMORANDUM FOR BRENT SCOWCROFT

FROM: NICHOLAS ROSTOW *NR*
SUBJECT: Pan Am Flight 103 Executive Order

Attached at Tab I is the draft Executive Order establishing a presidential commission on aviation security (Pan Am 103) as transmitted to the staffs of Senators Dole and Mitchell this morning. The draft was cleared by the Office of Counsel to the President, the Justice Department, the State Department, and the Transportation Department.

Attachment

Tab I Draft Executive Order

cc: Chief of Staff

D R A F T
8/02/89

EXECUTIVE ORDER

- - - - -

PRESIDENT'S COMMISSION ON AVIATION SECURITY AND TERRORISM

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to establish a Commission on Aviation Security and Terrorism, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is established the President's Commission on Aviation Security and Terrorism to evaluate policy options in connection with aviation security, with particular reference to the destruction on December 21, 1988, of Pan American World Airways Flight 103. The Commission shall consist of seven members appointed by the President. Two members shall be Senators and two shall be Members of the House of Representatives; they shall represent both parties equally. The President shall consult with the Majority and Republican Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives in making appointments from the Senate and House of Representatives, respectively.

(b) The President shall designate a Chairman from among the members of the Commission.

Sec. 2. *Functions.* (a) The Commission shall conduct a comprehensive study and appraisal of practices and policy options with respect to preventing terrorist acts involving aviation. In

conducting this effort, the Commission shall evaluate the adequacy of existing procedures for aviation security, compliance therewith, and enforcement thereof. The Commission also shall review options for handling terrorist threats, including prior notification to the public. Further, the Commission shall investigate practices, policies, and laws with respect to the treatment of families of victims of terrorist acts.

(b) The Commission shall submit a report containing findings and recommendations to the President within six months of the date of this Order. If necessary, the Commission also shall prepare a separate report for public distribution.

Sec. 3. *Administration.* (a) To the extent permitted by law and fully protecting intelligence sources and methods and the ongoing investigations into the destruction of Pan Am Flight 103 of December 21, 1988, the heads of Executive departments, agencies, and independent instrumentalities shall provide the Commission, upon request, with such information as it may require for purposes of carrying out its functions.

(b) Members of the Commission appointed from among private citizens may receive compensation for their work on the Commission at the daily rate specified for GS-18 of the General Schedule. While engaged in the work of the Commission, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of

subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707).

(c) To the extent permitted by law and subject to the availability of appropriations, the Departments of State and Transportation and the Office of Administration, Executive Office of the President, shall provide the Commission with administrative services, funds, facilities, staff, and other support services necessary for the performance of its functions.

(d) The Commission shall adhere to the requirements set forth in the Federal Advisory Committee Act, as amended (5 U.S.C. App. I). All Executive branch officials assigned duties by the Federal Advisory Committee Act shall comply with its requirements with respect to this Commission.

Sec. 4. *General Provision.* The Commission shall terminate 30 days after submitting its report to the President.

THE WHITE HOUSE,

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02. Memo	From Daniel Levin to Nicholas Rostow Re: Senator Mitchell's comments on proposed PanAm 103 Commission (11 pp.)	07/29/89	P5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: Pan Am 103 Commission (1989)

Open on Expiration of PRA
(Document Follows)

By JP (NLGB) on 5/12/05

Date Closed: 3/19/2003	OA/ID Number: 29166-001
FOIA/SYS Case #: 1998-0034-F	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P-3 Release would violate a Federal statute [(a)(3) of the PRA]
 P-4 Release would disclose trade secrets or confidential commercial or
 financial information [(a)(4) of the PRA]
 P-5 Release would disclose confidential advice between the President
 and his advisors, or between such advisors [(a)(5) of the PRA]
 P-6 Release would constitute a clearly unwarranted invasion of
 personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

(b)(1) National security classified information [(b)(1) of the FOIA]
 (b)(2) Release would disclose internal personnel rules and practices of an
 agency [(b)(2) of the FOIA]
 (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
 (b)(4) Release would disclose trade secrets or confidential or financial
 information [(b)(4) of the FOIA]
 (b)(6) Release would constitute a clearly unwarranted invasion of
 personal privacy [(b)(6) of the FOIA]
 (b)(7) Release would disclose information compiled for law enforcement
 purposes [(b)(7) of the FOIA]
 (b)(8) Release would disclose information concerning the regulation of
 financial institutions [(b)(8) of the FOIA]
 (b)(9) Release would disclose geological or geophysical information

MEMORANDUM

Rec'd COS
JUL 31 1989
nom

TO: Governor Sununu

DATE: 7/29/89

FROM: Senator Mitchell

RE: Proposed Pan Am 103 Action

When we discussed the draft Pan Am 103 legislation earlier this week, you expressed concern for intelligence matters. I indicated my willingness to consider incorporating your suggestions for specific protective language into the legislation. You asked if I would consider accomplishing our objective by Executive Order. I and my staff have now reviewed your draft Executive Order. Unfortunately, it largely reflects a "working group" concept that previously was raised and rejected at the staff-level.

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I am attaching a copy of Senator Dole's and my proposed legislation, which previously has been shared with Administration representatives. I renew my invitation of specific language to protect intelligence concerns. In fact, the draft already incorporates language and changes suggested by the Senate Intelligence Committee for this same purpose.

With reference to both the draft Executive Order (EO) and the draft legislation (DL), I make the following observations:

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a. The EO's charge to the commission is to "evaluate policy options" for aviation security "particularly with respect to incidents...such as" the Pan Am 103 bombing. The DL's intent is to have an "investigation" of such issues "focusing on the destruction" of Pan Am Flight 103. Although the DL does not intend for current criminal or counter-terrorism investigations to be duplicated, and both the EO and DL intend for broad policy issues to be addressed, the EO as presently drafted shifts the focus too much away from events surrounding the Pan Am 103 bombing.

b. There is some common ground between the EO's Functions (Sec. 2) and those of the DL (Sec. 4). However, the EO again lacks a specific review of security measures present in the case of Pan Am Flight 103; or a review of coordination between Federal agencies, air carriers, and other authorities in the assessment and distribution of intelligence information and the evaluation and dissemination of terrorist threats.

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b. The DL reflects a strong preference that one member be a representative of the Families of Victims of Flight 103 and that no one who has been a member or employee of the Executive Branch since January 1, 1988 be eligible for membership. The latter point is viewed as essential for an independent review.

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The EO lacks the DL's provisions for a Commission power to subpoena witnesses and documents; compel testimony; and the requirement for cooperation by Federal agencies to furnish information, including classified information subject to appropriate safeguards. These provisions are intended to assure cooperation and an effective inquiry. They are viewed as essential in light of the public opposition of Executive agencies thus far to a commission, and in light of direct representations made in some instances that there would be no cooperation in submitting information even to an Executive/Legislative "working group."

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The EO (Sec. 3b) envisions DOT, State, and the White House providing the Commission with administrative services, funds, facilities, staff, etc. "as may be necessary for the performance of its functions." Although such support and assistance should not be precluded (See DL Sec.5d), it is essential for the credibility of the intended independent review that the Commission have a clear capacity to function independently of Executive agencies; i.e., in funding, staff, research. This has been one of the strongest arguments in some discussions for proposing an entirely separate Congressional investigation as an alternative. The DL proposes a \$2 million authorization---which was estimated by Senate committee staff as a somewhat flexible function of the 9-month time-frame; the degree/depth of review envisioned; potential travel needs; and comparison to other special commission authorizations.

6. Report/Records

The EO requires reporting findings and recommendations to the President. There is no clear requirement of an unclassified, public report with an adequate number of copies for wide review. (See, e.g., DL Sec.4d). The DL also requires that records of the Commission be deposited with the Federal Aviation Administration and be subject to Freedom of Information Act provisions.

Thank you for your willingness to consider this matter. I look forward to your prompt response.

(STAFF WORKING DRAFT)
(JULY 19, 1989)

101st CONGRESS
1st Session

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. _____ introduced the following bill; which was read twice and referred to the Committee on _____

A B I L L

To establish a commission on aviation security and terrorism to investigate the adequacy of and compliance with aviation security procedures and Federal Aviation Administration security requirements, procedures, and practices.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "Aviation Security and Terrorism Commission Act of 1989".

1 ESTABLISHMENT OF COMMISSION

2 SEC. 2. There is established a commission to be known as
3 the Commission on Aviation Security and Terrorism
4 (hereinafter referred to as the "Commission").

5 MEMBERSHIP OF COMMISSION

6 SEC. 3.(a)(1) The Commission shall be composed of 7
7 members, who shall be as follows:

8 (A) 2 Senators appointed by the President pro
9 tempore of the Senate after consultation with the
10 Majority Leader and Minority Leader of the Senate.

11 (B) 2 Members of the House of Representatives
12 appointed by the Speaker of the House after consultation
13 with the Majority Leader and the Minority Leader of the
14 House of Representatives.

15 (C) 3 members appointed by the President, of whom
16 1 shall be a representative of the commercial air
17 transportation industry, 1 shall be a representative of
18 the intelligence community, and 1 shall be a
19 representative of the family support group known as the
20 Victims of Pan Am Flight 103.

21 (2) Appointments of members under paragraph (1) shall be
22 made not later than 20 days after the date of enactment of
23 this Act.

24 (b) No member of the Commission shall at the time of
25 such member's appointment be an employee or officer of the

1 Executive Branch of the Federal Government, nor shall any
2 member have been an employee or officer of the Executive
3 Branch after January 1, 1988.

4 (c) The Commission shall elect a Chairperson from among
5 the members of the Commission.

6 (d) A majority of the members of the Commission shall
7 constitute a quorum for the transaction of business.

8 (e) Each member of the Commission shall be entitled to 1
9 vote, which shall be equal to the vote of every other member
10 of the Commission.

11 (f) Any vacancy on the Commission shall not affect its
12 powers, but shall be filled in the manner in which the
13 original appointment was made.

14 FUNCTIONS OF COMMISSION

15 SEC. 4.(a) The Commission shall undertake an
16 investigation into aviation security and the prevention of
17 terrorist acts against aviation, focusing on the destruction
18 of Pan American World Airways flight 103 on December 21,
19 1988.

20 (b) The Commission shall submit a report not later than
21 9 months after the date of enactment of this Act to the
22 President, the Department of Transportation, and the
23 appropriate committees of the Congress. Such report shall
24 include an assessment of--

1 (1) the adequacy of Federal Aviation Administration
2 aviation security requirements, procedures, and
3 practices (including those related to known terrorist
4 threats), and the adequacy of air carrier and airport
5 security procedures and practices;

6 (2) the adequacy of the compliance of air carriers
7 and airports with the security requirements of the
8 Federal Aviation Administration;

9 (3) the ability of the Federal Aviation
10 Administration to enforce such security requirements;

11 (4) whether these aviation security requirements,
12 procedures, and practices were adequately complied with
13 by Pan American World Airways, its subsidiaries and
14 contractors, and airport authorities prior to the the
15 December 21, 1988 incident involving Pan Am flight 103;

16 (5) the coordination among Federal agencies of
17 aviation security and related counter-terrorism
18 procedures and practices, including procedures and
19 practices involving the assessment and distribution of
20 intelligence; and

21 (6) the policies, procedures, and practices of the
22 Federal Government, air carriers, and airport
23 authorities with respect to the evaluation and
24 dissemination of known terrorist threats to the air
25 transportation industry.

1 (c) In its report, the Commission shall make
2 recommendations for changes in all laws, policies,
3 procedures, practices, and regulations relating to security
4 of commercial air transportation.

5 (d) The Commission shall also prepare a separate version
6 of its report for public distribution, excluding such
7 information that is classified or the disclosure of which
8 would threaten the safety of air travel. Not less than 2,500
9 copies of the report shall be printed for public distribution
10 purposes.

11 POWERS OF COMMISSION

12 SEC. 5.(a) The Commission may, for the purpose of
13 carrying out the provisions of this Act, hold such hearings,
14 sit, and act at such times and places as the Commission may
15 find advisable. The Commission shall have the power to take
16 testimony under oath, to subpoena witnesses, documents,
17 records, and evidentiary materials, and to grant immunity
18 from prosecution in consultation with the Attorney General.

19 (b) The Commission may adopt such rules and regulations
20 as may be necessary to establish its procedures and to govern
21 the manner of its operations, organizations, and personnel.

22 (c) Notwithstanding any other provision of law, the head
23 of any Federal agency or instrumentality shall, upon request
24 by the Commission, furnish to the Commission such
25 information, including classified information, subject to

1 appropriate safeguards, as the Commission may require for the
2 purpose of this Act.

3 (d) Upon the request of the Chairperson of the
4 Commission, the head of any Federal agency or instrumentality
5 shall--

6 (1) make any of the facilities and services of such
7 agency or instrumentality available to the Commission;
8 and

9 (2) detail any of the personnel of such agency or
10 instrumentality to the Commission, on a reimbursable
11 basis, to assist the Commission in carrying out its
12 duties under this Act, except that any expenses of the
13 Commission incurred under this paragraph shall be
14 subject to the limitation set forth in section 7.

15 (e) The Commission may use the United States mails in
16 the same manner and under the same conditions as other
17 Federal agencies.

18 (f) The Commission may enter into contracts with private
19 firms, institutions, and individuals for the purpose of
20 conducting research necessary to enable the Commission to
21 discharge its duties under this Act, subject to the
22 limitation on total expenses set forth in section 7.

23 (g)(1) Subject to such rules and regulations as may be
24 adopted by the Commission and subject to the limitation on
25 total expenses set forth in section 7, the Chairperson of the

1 Commission shall, without regard to the provisions of title
2 5, United States Code, governing appointments in the
3 competitive service, and without regard to the provisions of
4 chapter 51 and subchapter III of chapter 53 of such title
5 relating to General Schedule pay rates, have the power to
6 appoint, terminate, and fix the compensation of such staff
7 personnel as the Chairperson considers necessary.

8 (2) Any person appointed as executive director of the
9 Commission under paragraph (1) shall meet the same
10 qualifications required of members under section 3(b) of this
11 Act.

12 (h) Nothing in this Act shall be construed to interfere
13 with the authority of the Director of Central Intelligence
14 under the National Security Act of 1947 to provide for the
15 protection of intelligence sources and methods.

16 COMPENSATION OF MEMBERS

17 SEC. 6. Members of the Commission shall serve without
18 compensation, but shall be reimbursed for travel or
19 transportation expenses under subchapter I of chapter 57 of
20 title 5, United States Code, while away from their homes or
21 regular places of business and engaged in the actual
22 performance of duties of the Commission.

23 EXPENSES OF COMMISSION

1 SEC. 7.(a) Any expenses of the Commission shall be paid
2 from funds made available to the Department of
3 Transportation.

4 (b) The total expenses of the Commission shall not
5 exceed \$2,000,000.

6 (c) Prior to the termination of the Commission pursuant
7 to section 8, the Comptroller General of the United States
8 shall conduct an audit of the financial books and records of
9 the Commission to determine that the limitation on expenses
10 has not been exceeded, and shall include its determination in
11 an opinion to be included in the report of the Commission.

12 TERMINATION OF COMMISSION; TRANSFER OF RECORDS

13 SEC. 8.(a) The Commission shall cease to exist on the
14 date that is 30 days after the date on which the Commission
15 submits its report.

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17 Commission, the records of the Commission shall be turned
18 over to and maintained by the Administrator of the Federal
19 Aviation Administration, subject to section 552 of title 5,
20 United States Code.

D R A F T

EXECUTIVE ORDER

- - - - -

PRESIDENT'S COMMISSION ON AVIATION SECURITY AND TERRORISM

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), a Commission on Aviation Security and Terrorism, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is established the President's Commission on Aviation Security and Terrorism to evaluate policy options in connection with aviation security, particularly with respect to incidents of terrorism such as the destruction on December 21, 1988, of Pan American World Airways Flight 103. The Commission shall consist of seven members appointed by the President from among persons with extensive experience in security and transportation. Two members shall be Senators and two shall be Members of the House of Representatives; they shall represent both parties equally. The President shall consult with the Majority and Republican Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives in making appointments from the Senate and House of Representatives, respectively.

(b) The President shall designate a Chairman from among the members of the Commission.

Sec. 2. *Functions.* The Commission shall conduct a comprehensive study of policy options with respect to terrorist acts or threats involving aviation. The Commission shall consider options with respect to dealing with terrorist threats, including the prior notification thereof; policies and laws with respect to the treatment of families of victims of terrorist acts; the adequacy of existing procedures for aviation security and compliance therewith. The Commission shall make such recommendations to the President as it deems appropriate.

(b) The Commission shall submit its findings and recommendations to the President within ninety days of the date of this Order.

Sec. 3. *Administration.* (a) Members of the Commission appointed from among private citizens shall receive compensation for their work on the Commission at the daily rate specified for GS-18 of the General Schedule. While engaged in the work of the Commission, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707).

(b) To the extent permitted by law and subject to the availability of appropriations, the Department of Transportation, State & White House, shall provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

Sec. 4. *General Provision.* The Commission shall terminate 30 days after submitting its report to the President.

THE WHITE HOUSE,
[date]

#

MEMORANDUM

Rec'd COS
JUL 31 1989
Norm

TO: Governor Sununu

DATE: 7/29/89

FROM: Senator Mitchell

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THE WHITE HOUSE

WASHINGTON

March 29, 1989

THE CHIEF of STAFF
has seen

oh

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: ROGER B. PORTER *RBP*

SUBJECT: Airline Security

ATTACHED - On March 20, Secretary Skinner's Chief of Staff sent you a memorandum outlining developments in airline security in the aftermath of Pan Am Flight 103. This is to apprise you of events since that memorandum and to alert you as to what may be expected.

Since the Pan Am 103 explosion, FAA has imposed a set of extraordinary security measures on all U.S. carrier passenger flights. Secretary Skinner is developing specific options for further action. These options from the Department of Transportation may include:

- o Accelerated deployment of explosive detection systems, such as Thermal Neutron Analysis devices at high-threat airports. This acceleration would include:
 - An FAA requirement for the carriers' to use these machines to screen baggage.
 - Possible Federal assistance to purchase a limited number of TNA devices.
- o The revitalization of the Aviation Security Coordination Committee within the U.S. Government to ensure efficient and secure dissemination of information on threats to civil aviation, and to ensure a prompt response by carriers to that information.
- o Deployment of FAA security staff to high-risk airports.
- o A State Department request to the International Civil Aviation Organization (ICAO) to redouble its efforts to implement the aviation security work plan previously agreed upon.
- o Launching of a comprehensive study of civil aviation threats and the best application of technological and human resources to stop such threats.

These and other options will need careful evaluation. In particular, federal funds for security devices raises budget and policy questions.

The Department of Transportation is developing remarks for the President which he might use next week on the occasion of meeting with representatives of the families of Pan Am Flight 103.

Senator Lautenberg has called for an independent commission to investigate the events surrounding Pan Am 103. This effort may pick up steam when relatives of the victims visit Senate offices on April 3 to seek congressional support for such an independent commission.

We will shortly have further information for you on this important subject.



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

400 Seventh St., S.W.
Washington, D.C. 20590

March 20, 1989

MEMORANDUM FOR: John Sununu
Chief of Staff to the President

FROM: John Gaughan *John Gaughan/jc*
Chief of Staff to the Secretary

Recent revelations in the United Kingdom as to security directives alerting airlines to possible threats have caused concern on the part of the public and, consequently, the Congress over the adequacy and effectiveness of the airline industry and government security programs.

Late last week, the existence of a security bulletin describing the possible existence of an explosive device hidden in a Toshiba radio created concern on the part of Senator Lautenberg and highlighted to Secretary Skinner that information related to the issuance of the bulletin may not have been provided to him. The Secretary then directed that Ken Quinn, Counselor to the Secretary, and a small group of individuals not involved in FAA's security program conduct a fact-finding mission to identify all pertinent documents and those areas where strengthened coordination with other U.S. agencies or foreign entities was needed in order to insure the rapid and accurate exchange of information.

Senator Lautenberg on Friday called for the creation of a White House commission to investigate Pan Am 103. Secretary Skinner spoke with Senator Lautenberg prior to the Senator's press conference, and indicated that he had already directed such a fact-finding effort.

The Secretary sent a cable to his counterpart, the Minister of Transport in the U.K., laying out his intentions, and discussed them with the U.K. Ambassador to the United States as well.

Prior to their departure for Brussels on Sunday evening, Mr. Quinn and his staff used the weekend to collect the necessary documentation relating to security bulletins. It is the group's plan to spend one day in Brussels talking with FAA and U.S. Embassy personnel and then one day each in Bonn, Frankfurt and London interviewing individuals associated with the processing of threat information. The team leader plans to meet with Minister of Transport Channon.

GEORGE J. MITCHELL
MAINE

United States Senate
WASHINGTON, DC 20510

August 10, 1989

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

I congratulate you on your Executive Order to create a Commission on Aviation Security and Terrorism, and greatly appreciate the consultations which occurred with myself and the Senate Minority Leader.

In the Order, you indicated the intention to consult with me in appointing a member of the Commission from among the Senate Majority. I strongly recommend Senator Frank Lautenberg, Chairman of the Appropriations Transportation Subcommittee, who already has a detailed, sensitive understanding of issues within the Commission's mandate. His Subcommittee also will be responsible for ensuring necessary appropriations to carry the Commission's work into FY1990.

I also encourage you to announce appointment of the Commission members as soon as possible. It was my original understanding that the Executive Order was not to be signed until the announcement of the selection of Commission members. Because the order was signed on August 4, 1989, the "clock already is running" on the six month deadline for the Commission's report. The credibility and acceptance of the Commission's review, both by the Senate and by the Families of Victims of Pan Am Flight 103, will depend in part on its getting organized and proceeding in a timely fashion.

Thank you for your attention to my interest.

Sincerely,

George Mitchell
George J. Mitchell

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03. Memo	From Chase Untermeyer to Governor Sununu Re: Nominees for PanAm 103 Commission (1 pp.)	08/12/89	(b)(6)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: Pan Am 103 Commission (1989)

Date Closed:	3/19/2003	OA/ID Number:	29166-001
FOIA/SYS Case #:	1998-0034-F	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
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 P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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