



governmentattic.org

"Rummaging in the government's attic"

Description of document:	List of Department of Justice Office of Legal Counsel Opinions 1998 - 2007
Requested date:	15-September-2007
Released date:	29-October-2007
Posted date:	30-November-2007
Title of Document	1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 LIST OF OPINIONS
Date/date range of document:	January 1998 – October 2007
Source of document:	Supervisory Paralegal Office of Legal Counsel Room 5515, 950 Pennsylvania Avenue, NW Department of Justice Washington, DC 20530-0001 (202) 514-2038

The governmentattic.org web site ("the site") is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the governmentattic.org web site or in this file.



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

October 29, 2007

This responds to your Freedom of Information Act request dated September 15, 2007. A search of the files of the Office of Legal Counsel has identified ten documents that are responsive to your request. The documents are enclosed in redacted form. We redacted portions of the documents pursuant to Exemptions Five and Six of the Act, 5 U.S.C. § 552(b)(5) & (6). The material withheld pursuant to Exemption Five is protected by the deliberative process, attorney-client and attorney work product privileges. Material, the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties, has been redacted pursuant to Exemption Six.

If you are not satisfied with my action on this request, you may administratively appeal this partial denial by writing to the Director, Office of Information and Privacy, United States Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001, within 60 days of your receipt of this letter. Your envelope and letter should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink that reads "Bradley T. Smith".

Bradley T. Smith
Attorney-Adviser

Enclosures

1998 LIST OF OPINIONS
January 1998 through December 1998

[REDACTED]

2. Counsel to the President: Memorandum regarding Proposed nomination of [REDACTED] an [REDACTED] (issued 1/28/98) [REDACTED]

3. Associate Attorney General: Memorandum regarding Statute of Limitations and settlement of ECOA discrimination Claims against the Department of Agriculture. (issued 1/29/98) [REDACTED]

4. Counsel to the President: Memorandum regarding Application of 5 USC § 5503(a) to Board of Director of the Civil Litigation Public Education Fund [REDACTED] (issued 2/2/98) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. GSA General Counsel: Memorandum regarding Applicability of 18 USC § 431 to Limited Partnership interests in Government Leases Under proposed Modified Transaction. (issued 3/13/98) [REDACTED]

10. Committee on Governmental Affairs: Testimony of Dan Koffsky concerning Vacancies Act. (issued 3/18/98)

11. Assistant Attorney General for Administration: Interpretation of phrase "Recommendation that funds be put to better use" in Inspector General Act. (issued 3/20/98) [REDACTED]

[REDACTED]

[REDACTED]

(b)(5)

- [REDACTED]
15. U.S. Attorney for Central District of California: Application of the Double Jeopardy Clause to Disgorgement Orders under the Federal Trade Commission Act. (issued 4/9/98)

- [REDACTED]
20. Principal Associate Deputy Attorney General: Possible Bases of jurisdiction for the Department of Justice to Investigate Matters relating to the Assassination of Martin Luther King, Jr. (issued 4/20/98)

- [REDACTED]
22. Counsel to the President: Legality of Background Checks Before Hiring Noncareer SES Personnel. (issued 4/30/98)

- [REDACTED]
24. Testimony to House of Representatives: Concerning Whistle Blower protection for classified disclosure. (issued 5/20/98)

- [REDACTED]
26. F.B.I.: Effect of Posse Comitatus Act on proposal to Detail Department of Defense Civilian Employee to the National Infrastructure Protection Center. (issued 5/26/98)

(b)(6)

(b)(6)

- [REDACTED]
28. Counsel to the President: Appointment of Vice Chair of Federal Reserve Board to Serve Concurrently as Chair of D.C. Financial Responsibility and Management Authority. (issued 6/1/98)

(b)(6)

(b)(5)

29. Deputy Director, FBI: Letter providing legal opinion concerning circumstances under which non-governmental entities performing criminal justice functions under contract with government agencies may be granted access to criminal history records information. (issued 6/12/98) [REDACTED]

(b)(6)

30. Associate AG: Waiver of Statutes of Limitations in Connection with Claims against the Department of Agriculture. (Issued 6/18/98) [REDACTED]

(b)(6)

[REDACTED]

[REDACTED]

[REDACTED]

34. Deputy General Counsel, Treasury: Appropriate Source for Payment of Judgments and Settlements in United States v. Winstar Corp., 518 U.S. 839 (1996), and Similar Cases (issued 7/22/98) [REDACTED]

(b)(6)

35. Associate White House Counsel: Constitutional Concerns Raised by the Collections of Information Antipiracy Act, H.R.2652. (Issued 7/28/98) [REDACTED]

(b)(6)

[REDACTED]

37. Environment Division: Administrative Settlement of Royalty Determinations. (issued 7/28/98) [REDACTED]

(b)(6)

38. Counsel to the President: Whether a Public Member of the Board of Directors of the New Jersey Transit Corp. is eligible for appointment to the Amtrak Board of Directors. (Issued 7/30/98) [REDACTED]

(b)(6)

39. GSA General Counsel: 18 U.S.C. § 208 and Service on the District of Columbia Downtown Business Improvement District Corporation Board of Directors (issued 8/7/98) [REDACTED]

(b)(6)

40. INS General Counsel: Section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act (issued 8/18/98) [REDACTED]

(b)(6)

[REDACTED]

(b)(5)

[REDACTED]

43. General Counsel, Office of Government Ethics: Application of 18 U.S.C. § 208 to Service on Boards of Standard-Setting Organizations (issued 8/24/98) (Nolan)

44. Deputy Attorney General: Authority of the Council for the District of Columbia to Amend the Schedule of Heights Under Section 602(a)(6) of the Home Rule Act (issued 8/28/98) [REDACTED]

(b)(6)

[REDACTED]

46. Deputy Legal Adviser: Whether 18 U.S.C. 208 bars employees of the State Department from serving in their official capacities on the boards of American sponsored schools overseas (issued 9/11/98) [REDACTED]

(b)(6)

[REDACTED]

48. Criminal Division: Proposed Revisions to Fed. R. C rim. P. 12.2 (issued 9/21/98)

[REDACTED]

(b)(6)

[REDACTED]

[REDACTED]

[REDACTED]

53. General Counsel, Exim Bank: Section 2(b)(2) of the Export/Import Bank Act of 1945 (issued 11/6/98) [REDACTED]

(b)(6)

[REDACTED]

[REDACTED]

56. AAG, Civil Division: Blood Products Litigation Settlement (issued 12/3/98)

[REDACTED]

(b)(6)

(b)(5)

57. General Counsel, HHS: Proposed Settlement of Diamond v. Dept. of HHS (issued 12/4/98) [REDACTED]

(b)(6)

1999 LIST OF OPINIONS
January 1999 through December 1999

- [REDACTED]
2. General Counsel for USPS: Memorandum re Collection of Fee for Stamped Cards (issued 1/7/99 (issued 5/7/99) [REDACTED])

(b)(6)

3. General Counsel for FBI: Memorandum re Application of 18 U.S.C. § 205 to Employees Serving on an Intergovernmental Personnel Act Assignment (issued on 1/11/99)

[REDACTED]

(b)(6)

- [REDACTED]
5. Acting General Counsel for GSA: Memorandum re Applicability of 18 U.S.C. 208 to National Gambling Impact Study Commission (issued on 1/26/99) [REDACTED]

(b)(6)

- [REDACTED]
7. Director, Departmental Ethics Office: Memorandum re Attorney's Fees (issued 2/11/99)

[REDACTED]

(b)(6)

- [REDACTED]
9. Dept. of Veterans Affairs: Memorandum re Gulf War Veterans Health Statutes (issued 3/12/99) [REDACTED] (approved for issuance)

(b)(6)

- [REDACTED]
11. General Counsels: Memorandum re General Guidance on the Federal Vacancies Reform Act (issued 3/22/99) [REDACTED] (approved for issuance)

(b)(6)

- [REDACTED]
13. Office of Federal Housing Enterprise Oversight: Memorandum re Applicability of Trade Secrets Act to Intragovernmental Exchange of Regulatory Information (issued 4/5/99) [REDACTED] (approved for issuance)

(b)(6)

(b)(5)

- [REDACTED]
15. Department of Commerce: Memorandum re Whether Government Reproduction of Copyrighted Materials Invariably is a "Fair Use" under Section 107 of the Copyright Act of 1976 (issued 4/30/99) [REDACTED] (approved for issuance)

(b)(6)

- [REDACTED]
17. U.S. Marshals Service: Memorandum re USMS Obligation to Avoid Anticipated Violation of the Antideficiency Act Before Seeking to Invoke Various Statutory Exceptions (issued 5/11/99) [REDACTED]

(b)(6)

- [REDACTED]
19. US Architectural and Transportation Barriers Board: Memorandum re Accessibility Guidelines and Federal Lease Renewals (issued 5/26/99) [REDACTED] (approved for issuance)

(b)(6)

20. Executive Clerk: Memorandum re Term of a Member of the Mississippi River Commission (issued 5/27/99) [REDACTED] (approved for issuance)

(b)(6)

21. Associate Attorney General: Constitutional and Statutory Restrictions on the Authority of the United States to Enter Settlements Limiting the Future Exercise of Executive Branch Discretion (issued 6/15/99) [REDACTED] (approved for issuance)

- [REDACTED]
24. Senate Committee on Governmental Affairs: Testimony of Randolph Moss concerning S.1214, the Federalism Accountability Act of 1999 (issued 7/14/99) [REDACTED]

(b)(6)

25. General Counsel for OMB: Reporting Obligation under the Federal Vacancies Reform Act for PAS Officers Serving Under Statutory Holdover Provisions (issued 7/30/99) [REDACTED] (approved for issuance)

(b)(6)

(b)(5)

- [REDACTED]
27. Director, Office of Attorney Personnel Management (DOJ): Eligibility of a Dual United States Citizen for a Paid Position Within the Department of Justice (issued 8/26/99)

[REDACTED]
(b)(6)

28. General Counsel, Treasury and Dept. of Defense: Internal Revenue Service Request for Documents in Defense Department Possession (issued 9/1/99)

[REDACTED] (approved for issuance)

(b)(6)

29. Deputy General Counsel, Treasury: Restrictions on Travel by VOA Correspondents (issued 9/10/99)

30. General Counsel, Federal Retirement Thrift Investment Board: MSPB Reconsideration Non-Precedential Decisions (issued 9/13/99) [REDACTED] (approved for issuance)

(b)(6)

31. Deputy General Counsel, Treasury: Applicability of 18 U.S.C. 219 to Representative Members of Federal Advisory Committees (issued 9/15/99) [REDACTED]

(approved for issuance)

(b)(6)

32. General Counsel, Dept. of Veterans Affairs: Applicability of EEOC's Proposed Final Rule to the Department of Veterans Affairs (issued 9/28/99) [REDACTED]

(b)(6)

- [REDACTED]
34. Acting Assistant Attorney General/Civil Rights Div.: Proposed Change in EEOC Regulations Concerning Right-to-Sue Notices for Public Sector Employees (issued 10/7/99) [REDACTED]

(b)(6)

35. Assistant Attorney General/ENRD: Tribal Restrictions of Sharing of Indigenous Knowledge on Uses of Biological Resources (issued on 10/12/99) [REDACTED]

(b)(6)

- [REDACTED]
37. General Counsel of Dept. of Commerce: Participation by Processor-Owned Catcher Vessels in Inshore Cooperatives Under the American Fisheries Act of 1998 (issued 12/10/99) [REDACTED]

(b)(6)

(b)(5)

2000 LIST OF OPINIONS
January 2000 through December 2000

1. Director, Departmental Ethics Office DOJ: Memorandum re Applicability of 18 U.S.C. § 205(a)(2) to Representation Before Non-Federal Agencies [REDACTED] (issued 1/3/2/00) (approved for issuance) (b)(6)
2. Advisory Board for Cuba Broadcasting: Memorandum re Authority of the Advisory Board for Cuba Broadcasting to Act in the Absence of a Presidentially Designated Chairperson [REDACTED] (issued 1/4/00) (approved for issuance) (b)(6)
3. Counsel for the President: Memorandum re Legal Effectiveness of a Presidential Directive, as Compared to an Executive Officer [REDACTED] (issued 1/29/00) (approved for issuance) (b)(6)
4. [REDACTED]
5. [REDACTED]
6. Deputy Attorney General: Memorandum re Starting Date for Calculating the 120-day Term of an Interim United States Attorney Appointed by the Attorney General Under 28 U.S.C. § 546 [REDACTED] (issued on 3/10/00) (approved for issuance) (b)(6)
7. General Counsel for INS: Memorandum re Enforcement of INA Employer Sanctions Provisions Against Federal Government Entities [REDACTED] (issued on 3/15/00) (approved for issuance) (b)(6)
8. [REDACTED]
9. Deputy Attorney General: Date of Appointment for Purposes of Calculating the 120-Day Term of an Interim United States Attorney Appointed by the Attorney General under 28 U.S.C. § 546 [REDACTED] (issued on 3/16/00) (approved for issuance) (b)(6)
10. [REDACTED]
11. [REDACTED]

12. General Counsel for U.S. Marshals Service: Memorandum re Continuation of Federal Prisoner Detention Efforts in the Face of a USMS Appropriation Deficiency

[REDACTED] (issued on 4/5/00)

(b)(6)

13.

[REDACTED]

14. General Counsel Dept. of Treasury: Memorandum re Applicability of the Federal Vacancies Reform Act to the United States Executive Director and Alternate Executive Director at the International Monetary Fund and the World Bank

[REDACTED] (issued on 5/11/00)

(b)(6)

15.

[REDACTED]

16. Deputy General Counsel, DOD: Memorandum re Authority for Military Police to Issue Traffic Citations to Civilians on Bolling Air Force Base [REDACTED] (issued on 6/5/00)

(b)(6)

17. General Counsel Dept. of Defense: Memorandum re EPA Assessment Against Federal Agencies for Violation of the Underground Storage Tank Requirements of the Resource Conservation and Recovery Act [REDACTED] (issued on 6/14/00) (approved for issuance)

(b)(6)

18. General Counsel Chemical Safety and Hazard Board: Memorandum re Division of Powers and Responsibilities Between the Chairperson of the Chemical Safety and Hazard Investigation Board [REDACTED] (issued on 6/26/00) (approved for issuance)

(b)(6)

19. General Counsel for Dept. of Energy: Memorandum re Applicability of the Post-Employment Restrictions of 18 U.S.C. § 207(c) to Assignees Under the Intergovernmental Personnel Act [REDACTED] (issued on 6/26/00) (approved for issuance)

(b)(6)

20.

[REDACTED]

21.

[REDACTED]

22.

[REDACTED]

(b)(5)

23.

[REDACTED]

24.

Attorney General: Memorandum re Whether a Former President May Be Indicted and Tried for the Same Offenses for Which He Was Impeached by the House and Acquitted by the Senate (issued on 8/18/00)

25.

AAG, Criminal Division: Memorandum re Constitutionality of 18 U.S.C.A Section 1120

[REDACTED] (issued on 8/31/00)

(b)(6)

26.

[REDACTED]

27.

Acting Director, Office of Government Ethics: Memorandum re Application of 18 U.S.C. Section 209 to Employee-Inventors Who Receive Outside Royalty Payments)

[REDACTED] (issued on 9/7/00)

(b)(6)

28.

Testimony: Testimony of William Treanor re the Application of the Privacy Act to the White House [REDACTED] Treanor) (issued on 9/8/00)

(b)(6)

29.

Interior/NOAA/Council on ENRD Quality: Memorandum re Coral Reef Resources in the Northwest Hawaiian Islands [REDACTED] (issued on 9/15/00)

(b)(6)

30.

NASA/OMB: Memorandum re Applicability of Government Corporation Control Act to Gain Sharing Benefit Agreement [REDACTED] (issued on 9/18/00) (approved for issuance)

(b)(6)

31.

Hastert, House: Memorandum re the Enforceability of 18 U.S.C. 1302-Information Concerning Lawful Gambling Operations-AG Opinion [REDACTED] (issued on 9/25/00) (approved for issuance)

(b)(6)

32.

Testimony: Testimony of William Treanor re H.R.4751, Entry of the Commonwealth of Puerto Rico into Permanent Union with the U.S. [REDACTED]

33.

[REDACTED]

34.

[REDACTED]

35.

Attorney General: Memorandum re A Sitting President's Amenability to Indictment and criminal Prosecution (issued 10/16/00)

(b)(5)

36. Office of Intelligence Policy and Review: Memorandum re Title III Electronic Surveillance Material and the Intelligence Community [REDACTED] (issued on 10/17/00) (b)(6)
37. [REDACTED]
38. [REDACTED]
39. General Counsel, Immigration & Naturalization Service: Memorandum re Section 235A of the Immigration National Act [REDACTED] (issued on 10/23/00) (approved for issuance) (b)(6)
40. Assistant General Counsel, Dept. of Treasury: Memorandum re Application of 18 U.S.C. Section 207(d) to Certain Employees of the Treasury Department [REDACTED] (issued on 11/3/00) (b)(6)
41. Director, Office of Government Ethics: Memorandum re Definition of Candidate Under 18 U.S.C. Section 207(j) [REDACTED] (issued on 11/06/00) (approved for issuance) (b)(6)
42. General Counsel, Department of Defense Memorandum re Withholding State Income Tax from Military Compensation of Native American Service Members [REDACTED] (issued on 11/22/00) (b)(6)
43. General Counsel, General Services Administration: Memorandum re Use of Agency Resources to Support Presidential Transition [REDACTED] (issued on 11/22/00) (b)(6)
44. AAG, Environment and Natural Resources Div. Memorandum re Payment of Attorney's Fees in Litigation [REDACTED] (issued on 11/27/00) (b)(6)
45. Counsel to the President: Memorandum re Authority of the Administrator of the General Services Administration to Provide Transition Assistance [REDACTED] (issued on 11/28/00) (b)(6)
46. Attorney General: Memorandum re Authorization for Continuing Hostilities in Kosovo [REDACTED] (issued on 12/19/00) (b)(6)
47. Pardon Attorney: Memorandum re Whether the President May Have Access to Grand Jury Material in the Course of Exercising Discretion to Grant Pardons [REDACTED] (issued on 12/22/00) (b)(6)

(b)(5)

2001 LIST OF OPINIONS
January 2001 through December 2001

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

4. [REDACTED]

5. [REDACTED]

6. General Counsel/GSA: Memorandum re Legality of Reimbursing the President-elect and/or the Vice-President-elect for Transition Related Expenses Incurred After the General Election But Before the Administrator of General Services Had Ascertained them as the Apparent Successful Candidates for the Office of the President and Vice President

7. [REDACTED] (issued on 01/17/01)

(b)(6)

8. [REDACTED]

9. Director/OGE: Memorandum re Authority of the Office of Government Ethics to Issue Touhy Regulations [REDACTED] (issued on 01/18/01)

(b)(6)

10. [REDACTED]

11. [REDACTED]

(b)(5)

- 12. [REDACTED]
- 13. [REDACTED]
- 14. [REDACTED]
- 15. General Counsel/DOC: Memorandum re NOAA Corps Eligibility for Professional Liability Costs Reimbursement [REDACTED] (issued on 01/19/01)
(b)(6)
- 16. General Counsel/TREAS: Memorandum re Investment of Federal Trust Funds for Cheyenne River and Lower Brule Sioux [REDACTED] (issued on 01/19/01)
(b)(6)
- 17. Acting General Counsel/GSA: Memorandum re Legality of Obligating Government Funds for Advertising by the General Services Administration [REDACTED] (issued on 01/19/01)
(b)(6)
- 18. [REDACTED]
- 19. [REDACTED]
- 20. [REDACTED]
- 21. [REDACTED]
- 22. [REDACTED]
- 23. Acting General Counsel/DOC: Memorandum re Discretion of the Secretary of Commerce

(b)(5)

to Use Statistical Sampling in Carrying Out the Provisions of Title 13 [REDACTED]
(issued on 02/20/01)

(b)(6)

24.

[REDACTED]

25.

[REDACTED]

26.

Associate Counsel to the President: Memorandum re Authority of the President to Remove the Staff Director of the United States Commission on Civil Rights and to Appoint an Acting Staff Director [REDACTED] (issued on 03/30/01)

(b)(6)

27.

Counselor to the Attorney General: Memorandum re Regulation of an Inmate's Access to the Media [REDACTED] (issued on 04/13/01)

(b)(6)

28.

[REDACTED]

29.

[REDACTED]

30.

[REDACTED]

31.

General Counsel: Memorandum re Emoluments Clause and World Bank [REDACTED]
(issued on 05/24/01)

(b)(6)

32.

[REDACTED]

33.

Associate White House Counsel: Memorandum re Indirect Aid to Faith-Based Organizations Under Section 1994A Charitable Choice of H.R.7 The Community Solutions Act [REDACTED] (issued on 06/22/01)

(b)(6)

(b)(5)

34. Associate White House Counsel: Memorandum re Section 1994A Charitable Choice of H.R.7, The Community Solutions Act [REDACTED] (issued on 06/25/01)

(b)(6)

35. [REDACTED]

36. [REDACTED]

37. [REDACTED]

38. Senior Associate Counsel to the President: Memorandum re Congressman Rohrabacher's Amendment to H.R.2500, The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, FY 2002 [REDACTED] (issued on 07/25/01)

(b)(6)

39. Counsel to the President: Memorandum re President's Authority to Remove the Chair of the CPSC [REDACTED] (issued on 07/31/01)

(b)(6)

40. [REDACTED]

41. [REDACTED]

42. [REDACTED]

43. [REDACTED]

44. [REDACTED]

45. Counsel to the President: Memorandum re President's Authority to Make a Recess Appointment to the National Labor Relations Board [REDACTED] (issued on 08/31/01)

(b)(6)

46. General Counsel/TREAS and Chief Counsel/Thrift: Memorandum re Post-Employment Restriction of 12 U.S.C. § 1812(e) [REDACTED] (issued on 09/04/01)

(b)(6)

(b)(5)

47. [REDACTED]

48. [REDACTED]

49. [REDACTED]

50. [REDACTED]

51. Deputy Counsel to the President: Memorandum re The President's Constitutional Authority to Conduct Military Operations Against Terrorists and Nations Supporting Them [REDACTED] (issued on 09/25/01)
(b)(6)

52. [REDACTED]

53. Deputy Assistant Attorney General: Memorandum re Checking Names of Prohibited Persons Against Records in the NICS Audit Log Concerning Allowed Transfers [REDACTED] (issued on 10/01/01)
(b)(6)

54. [REDACTED]

55. [REDACTED]

56. [REDACTED]

57. [REDACTED]

58. [REDACTED]

59. Deputy Counsel to the President: Memorandum re Terms of Members of the Civil Rights Commission [REDACTED] (issued on 10/31/01)
(b)(6)

60. General Counsel/OGE: Memorandum re The Nature of the Financial Interest of a Trustee of a Private Trust and the Scope of the Definition of Serving in an "Organization" as a

(b)(5)

"Trustee" Under 18 U.S.C. 208(a) [REDACTED] (issued on 11/02/01)

(b)(6)

61. [REDACTED]

62. AAAG/OLC: Testimony on Edward Whelan III re Oversight of the Presidential Records Act (11/06/01)

63. [REDACTED]

64. [REDACTED]

65. [REDACTED]

66. Deputy Counsel to the President: Memorandum re Commerce, Justice and State Appropriations Bill [REDACTED] (issued on 11/20/01)

(b)(6)

67. [REDACTED]

68. AAG/OLC: Testimony of Jay Bybee on Settlement of the "Nextwave" Case (12/6/01)

69. [REDACTED]

70. [REDACTED]

71. [REDACTED]

72. [REDACTED]

73. [REDACTED]

(b)(5)



2002 LIST OF OPINIONS
January 2002 through December 2002

1.

[REDACTED]

2.

[REDACTED]

3.

[REDACTED]

4.

[REDACTED]

5.

[REDACTED]

6.

Deputy General Counsel for Department of Education: Memorandum re Application of 18 U.S.C. § 203 to Former Employee's receipt of Attorney's Fees [REDACTED] (issued on February 28, 2002) (b)(6)

7.

[REDACTED]

8.

[REDACTED]

9.

[REDACTED]

10.

General Counsel, INS: Memorandum re Role of Legal Guardians or Proxies in Naturalization Proceedings [REDACTED] (issued on March 13, 2002) (b)(6)

11.

Deputy Counsel to the President: Memorandum re What Actions the President Can Take Unilaterally and without Congressional Consent Towards Centralizing Border Control Policy [REDACTED] (issued on March 20, 2002) (b)(6)

12.

[REDACTED]

[REDACTED]

13. Testimony by John Yoo: Testimony for Senate Committee on the Judiciary re Applying the War Powers Resolution to the War on Terrorism (April 17, 2002)
14. U.S. Chemical Safety and Hazard Investigation Board: Memorandum re Whether the Board May Delegate Executive and Administrative Authority, Previously Exercised by its Chairperson, to a Single Member While the Position of Chairperson is Vacant [REDACTED] (issued on April 19, 2002) (b)(6)
15. General Counsel/OGE: Memorandum re Application of Conflict-of-Interest Rules to Appointees Who Have Not Begun Service [REDACTED] (issued on May 8, 2002) (b)(6)
16. Deputy Counsel to the President: Memorandum re Applicability of Ineligibility Clause to Appointment of Congressman Tony P. Hall [REDACTED] (issued on May 30, 2002) (b)(6)
17. Solicitor General: Memorandum re Survey of the Law of Expatriation [REDACTED] (issued on June 12, 2002) (b)(6)
18. Chief Counsel/DEA: Memorandum re Authority of Federal Judges and Magistrates to Issue "No-Knock" Warrants [REDACTED] (issued on June 12, 2002) (b)(6)
19. [REDACTED]
20. [REDACTED]
21. [REDACTED]
22. General Counsel for the Board of Governors: Memorandum re Permissibility of federal Reserve Board Efforts to Control Access to Buildings and Open Meetings [REDACTED] (issued on July 9, 2002) (b)(6)
23. [REDACTED]
24. [REDACTED]
25. [REDACTED]

(b)(5)

[REDACTED]

26.

[REDACTED]

27.

[REDACTED]

28.

[REDACTED]

29.

[REDACTED]

30. Administrator for Federal Procurement Policy/OMB: Memorandum re What Limitations 44 U.S.C. § 1903 May Place on Executive Agencies Procuring the Printing of Government Publications [REDACTED] (issued on August 22, 2002)

(b)(6)

31.

[REDACTED]

32.

[REDACTED]

33. General Counsel/FEMA: Memorandum re Authority of FEMA to Provide Disaster Assistance to Seattle Hebrew Academy [REDACTED] (issued on September 25, 2002)

(b)(6)

34.

[REDACTED]

(b)(5)

35.

[REDACTED]

36.

[REDACTED]

37.

[REDACTED]

38.

[REDACTED]

39.

[REDACTED]

40.

[REDACTED]

41.

[REDACTED]

42.

[REDACTED]

43.

[REDACTED]

44.

[REDACTED]

45. Associate Counsel to the President: Memorandum re Expiration of Authority of Recess Appointees [REDACTED] (issued on November 22, 2002)

(b)(6)

46.

[REDACTED]

47.

[REDACTED]

(b)(5)

48.

[REDACTED]

49.

[REDACTED]

50.

[REDACTED]

51.

[REDACTED]

52.

[REDACTED]

53.

[REDACTED]

54. Deputy Attorney General: Memorandum re Legality of Fixed-Priced Intergovernmental Agreements for Detention Services [REDACTED] (issued on December 31, 2002)

(b)(6)

(b)(5)

2003 LIST OF OPINIONS
January 2003 through December 2003

1. General Counsel, OMB: Memorandum re Funding for Technical Assistance for Agricultural Conservation Programs [REDACTED] January 3, 2003
(b)(6)
2. General Counsel/Navy, Acting Deputy General Counsel/EEOC: Memorandum re The Equal Employment Opportunity Commission's Authority to Impose Attorney's Fees Against Federal Agencies for Failure to Comply with Orders Issued by EEOC Administrative Judges [REDACTED] January 6, 2003
(b)(6)
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. Deputy Director for Management/OMB: Memorandum re Whether Canteen Service Provided Through the Veterans' Canteen Service is Exempt from Review Under Federal Activities Inventory Reform Act of 1998 [REDACTED] January 31, 2003
(b)(5)
9. General Counsel/DOT, Acting Chief Counsel/Bureau of Alcohol, Tobacco, Firearms: Memorandum re Section 1123(b) of the Safe Explosives Act [REDACTED] February 6, 2003
(b)(6)
10. Counsel to the President: Memorandum re United States Holocaust Memorial Council [REDACTED] February 6, 2003
(b)(6)
11. Deputy Attorney General: Memorandum re Limitations on the Detention Authority of the INS [REDACTED] February 20, 2003
(b)(6)
12. Solicitor/National Labor Relations Board: Memorandum re Quorum Requirements [REDACTED] March 4, 2003
(b)(6)

(b)(5)

13. Deputy Attorney General: Memorandum re Scope of the Attorney General's Authority to Assign Duties Under 21 U.S.C. Section 878(a)(5) [REDACTED] March 24, 2003

(b)(6)

14. [REDACTED]

15. [REDACTED]

16. Attorney General: Memorandum *In re David Joseph* (A73 213 378) [REDACTED] April 17, 2003

(b)(6)

17. [REDACTED]

18. Solicitor: Memorandum re Authority of the Department of the Interior to Provide Historic Preservation Grants to Historic Religious Properties Such as the Old North Church [REDACTED] April 30, 2003

(b)(6)

19. [REDACTED]

20. [REDACTED]

21. [REDACTED]

22. [REDACTED]

23. [REDACTED]

24. Deputy Counsel to the President: Memorandum re Designation of Acting Director of the Office of Management and Budget [REDACTED] June 12, 2003

(b)(6)

25. General Counsel/Veterans Affairs: Memorandum re VA's Authority to Fill Certain Prescriptions Written by Non-VA Physicians [REDACTED] July 3, 2003

(b)(6)

26.

[REDACTED]

27.

[REDACTED]

28. Acting Principal Legal Advisor/Dept. Of Homeland Security: Memorandum re Eligibility of Unlegitimated Children for Derivative Citizenship [REDACTED] July 24, 2003

(b)(6)

29.

[REDACTED]

30. General Counsel/OMB: *Revised* Memorandum re Authority of Chief Financial Officer under FY 2003 HUD Appropriations [REDACTED] August 12, 2003

(b)(6)

31. Director, Executive Office for United States Attorneys: Q's and A's re Temporary Filling of Vacancies in the Office of United States Attorney [REDACTED] September 5, 2003

(b)(6)

32.

[REDACTED]

33. AAG/Civil Rights Division: Memorandum re Employment Opportunity Commission's Authority to Initiate Actions Against Public Employers to Enforce Settlement or Conciliation Agreements [REDACTED] September 8, 2003

(b)(6)

34. Counsel to the President: Memorandum re Amtrak Board of Directors [REDACTED] September 22, 2003

(b)(6)

35. Principal Deputy Assistant Attorney General/CRTS: Memorandum re Whether Certain Direct Recording Electronic Voting Systems Comply With the Help America Vote Act and the Americans with Disabilities Act [REDACTED] October 10, 2003

(b)(6)

36.

[REDACTED]

(b)(5)

2004 LIST OF OPINIONS
January 2004 through December 2004

1.

[REDACTED]

2.

[REDACTED]

3.

Deputy Attorney General: Memorandum re Status of the Foreign Claims Settlement Commission [REDACTED] February 20, 2004

(b)(6)

4.

[REDACTED]

5.

[REDACTED]

6.

General Counsel/OPM and USPS: Memorandum re Apportionment of False Claims Act Recoveries to Agencies [REDACTED] March 12, 2004

(b)(6)

7.

[REDACTED]

8.

[REDACTED]

9.

[REDACTED]

10.

[REDACTED]

11.

General Counsel/OMB: Memorandum re Status of National Veterans Business Development Corporation [REDACTED] March 19, 2004

(b)(6)

12.

[REDACTED]

13.

[REDACTED]

(b)(5)

14. General Counsel/HHS: Letter re OLC's response to memorandum from the Congressional Research Service re Agency Prohibiting a Federal Officer from Providing Accurate Cost Information to the United States Congress [REDACTED] May 21, 2004

(b)(6)

15. [REDACTED]

16. [REDACTED]

17. [REDACTED]

18. [REDACTED]

19. [REDACTED]

20. [REDACTED]

21. General Counsel/OGE: Memorandum re Application of 18 U.S.C § 207(f) to a Former Senior Employee of the Department of Commerce, [REDACTED] June 22, 2004

(b)(6)

22. [REDACTED]

23. Acting General Counsel/DOC: Memorandum re Whether the Department of Commerce May Prescribe Regulations Limiting the Partisan Political Activities of the Commissioned Officers Corps in the National Oceanic and Atmospheric Administration (NOAA)

[REDACTED] July 29, 2004

(b)(6)

24. General Counsel/HHS: Memorandum re Whether Appropriations May be Used for Informational Video News Release [REDACTED] July 30, 2004

(b)(6)

25. [REDACTED]

(b)(5)

26. Attorney General: Memorandum re Whether the Second Amendment Secures on Individual Right [REDACTED] August 24, 2004

(b)(6)

27. [REDACTED]

28. [REDACTED]

29. [REDACTED]

30. [REDACTED]

31. [REDACTED]

32. Deputy Secretary/DOC: Memorandum re Use of Appropriations to Pay Travel Expenses for an International Trade Administration Fellowship Program, [REDACTED]

[REDACTED] October 7, 2004

(b)(6)

(b)(6)

33. [REDACTED]

34. [REDACTED]

35. Deputy Counsel to the President: Memorandum re Terms of Members of the Civil Rights Commission [REDACTED] November 30, 2004

(b)(6)

36. [REDACTED]

37. [REDACTED]

38. Deputy Counsel to the President: Memorandum re Political Balance Requirement for the

(b)(5)

Civil Rights Commission [REDACTED] December 6, 2004

(b)(6)

39.

[REDACTED]

40.

[REDACTED]

41. Deputy Attorney General: Memorandum re: Legal Standards Applicable Under 18 U.S.C. §§ 2340-2340A [REDACTED] December 30, 2004

(b)(6)

(b)(5)

2005 LIST OF OPINIONS
January 2005 through December 2005

1. [REDACTED]
2. Chief Counsel/ATF: Memorandum re The Applicability of Certain Record-Destruction Requirements to the Bureau of Alcohol, Tobacco, Firearms and Explosives (Marshall) dated **January 11, 2005**
3. Deputy Counsel to the President: Memorandum re Status of the Director of Central Intelligence Under the National Security Intelligence Reform Act of 2004 [REDACTED] dated **January 12, 2005**
(b)(6)
4. [REDACTED]
5. [REDACTED]
6. Associate Counsel to the President: Memorandum re Application of the Emoluments Clause to a Member of the President's Council on Bioethics [REDACTED] dated **March 9, 2005**
(b)(6)
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. General Counsel/HHS and Senior Counsel to the Deputy Attorney General: Memorandum re Scope of Criminal Enforcement Under 42 U.S.C. Section 1320d-6 [REDACTED] dated **June 1, 2005**
(b)(6)

(b)(5)

12.

[REDACTED]

13.

[REDACTED]

14. Counsel to the President: Memorandum re Whether the President May Sign a Bill by Directing that his Signature be Affixed to It [REDACTED] dated July 7, 2005

(b)(6)

15.

[REDACTED]

16. Chairman, Defense Base Closure and Realignment Commission: Memorandum re Authority under the Defense Base Closure and Realignment Act to Close or Realign National Guard Installations Without the Consent of State Governors [REDACTED] dated August 10, 2005

(b)(6)

17. General Counsel, DOD: Memorandum re Proposed Amendments to Military Commission Order No. 1 [REDACTED] dated August 12, 2005

(b)(6)

18.

[REDACTED]

19.

[REDACTED]

20.

[REDACTED]

21.

[REDACTED]

22.








[REDACTED]

23.

[REDACTED]

(b)(5)

2006 LIST OF OPINIONS
January, 2006 through December, 2006

1. 
2. General Counsel, OGE: Memorandum re Financial Interests of Nonprofit Organizations
 dated January 11, 2006
(b)(5)
3. 
4. Testimony of C. Kevin Marshall, Deputy Assistant Attorney General, Office of Legal Counsel, before the Committee on Resources, United States House of Representatives re "The Report by the President's Task Force on Puerto Rico's Status" dated April 27, 2006
5. 
6. 
7. 
8. 
9. Testimony of Steven Bradbury, Assistant Attorney General, Office of Legal Counsel, before the Committee on the Judiciary, United States Senate re *Hamdan v. Rumsfeld* dated July 11, 2006
10. Testimony of Steven Bradbury, Assistant Attorney General, Office of Legal Counsel, before the House Armed Services Committee, United States House of Representatives re *Hamdan v. Rumsfeld* dated July 12, 2006
11. Testimony of Steven Bradbury, Assistant Attorney General, Office of Legal Counsel, before the Committee on the Judiciary, United States Senate re FISA for the 21st Century dated July 26, 2006

(b)(5)

12.

[REDACTED]

13.

[REDACTED]

14.

[REDACTED]

15.

[REDACTED]

16.

[REDACTED]

17.

Testimony of AAG/OLC: Testimony of Steven Bradbury before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, United States House of Representatives re Legislative Proposals to Update The Foreign Intelligence Surveillance Act (FISA) September 6, 2006

18.

[REDACTED]

19.

[REDACTED]

20.

[REDACTED]

(b)(5)

2007 LIST OF OPINIONS
January, 2007 through December, 2007

1. General Counsel, DOD: Memorandum re Days of Service by Special Government Employees [REDACTED] dated January 26, 2007
(b)(6)
2. General Counsel, HHS: Memorandum re Legality of Alternative Organ Donation Practices Under 42 U.S.C. § 274e [REDACTED] dated March 28, 2007
(b)(6)
3. [REDACTED]
4. [REDACTED]
5. General Counsels of Executive Branch: Memorandum re Officers of the United States Within the Meaning of the Appointments Clause [REDACTED] dated April 16, 2007
(b)(6)
6. Testimony before the Subcommittee on Insular Affairs of committee on Natural Resources U.S. House of Representatives: Re H.R.900 "Puerto Rico Democracy Act of 2007" and "H.R. 1230, The Puerto Rico Self Determination Act of 2007" (Marshall) dated April 25, 2007
7. Chief Counsel, ATF: Memorandum re When a Conviction Qualifies as a "Misdemeanor Crime of Domestic Violence" [REDACTED] dated May 17, 2007
(b)(6)
8. [REDACTED]
9. Testimony before Committee on the Judiciary U. S. Senate: re "Ending Taxation Without Representation" The Constitutionality of S.1257, The District of Columbia House Voting Rights Act of 2007" (Bradbury) dated May 23, 2007
10. Testimony of Steve Bradbury/American Civil Liberties Union v. DOJ/OLC re FOIA Exemptions: dated June 7, 2007
11. General Counsel, FBI: Memorandum re Application of the Emoluments Clause to a Member of the Federal Bureau of Investigation Director's Advisory Board [REDACTED] dated June 15, 2007
(b)(6)
12. [REDACTED]

(b)(5)

13. [REDACTED]

14. [REDACTED]

15. [REDACTED]

16. [REDACTED]

17. [REDACTED]

18. [REDACTED]

19. [REDACTED]

20. [REDACTED]

21. [REDACTED]

22. [REDACTED]

(b)(5)