



OFFICE OF THE VICE PRESIDENT  
WASHINGTON

June 26, 2007

The Honorable John F. Kerry  
Senator from Massachusetts  
United States Senate  
Washington, D.C. 20510

Dear Senator Kerry:

Thank you for your letter of June 25, 2007 inquiring about the role of the Information Security Oversight Office (ISOO) of the National Archives and Records Administration and the nature of the vice presidency under the Constitution.

The executive order on classified national security information -- Executive Order 12958 as amended in 2003 -- makes clear that the Vice President is treated like the President and distinguishes the two of them from "agencies." The executive order gives the ISOO, under the supervision of the Archivist of the United States, responsibility to oversee certain activities of "agencies," but not of the Vice President or the President. As you know, the President's spokesperson reiterated on June 22, 2007 that the order does not give ISOO authority to oversee the Office of the Vice President.

Constitutional issues in government are generally best left for discussion when unavoidable disputes arise in a specific context instead of in theoretical discussions. Given that the executive order treats the Vice President like the President rather than like an "agency," it is not necessary in these circumstances to address the subject of any alternative reasoning, based on the law and history of the legislative functions of the vice presidency and the more modern executive functions of the vice presidency, to reach the same conclusion that the vice presidency is not an "agency" with respect to which ISOO has a role.

Sincerely,

A handwritten signature in cursive script that reads "David S. Addington".

David S. Addington  
Chief of Staff