

THE WHITE HOUSE

WASHINGTON

August 5, 2005

The Honorable Patrick J. Leahy
United States Senate
Washington, DC 20510

Dear Senator Leahy:

On behalf of President George W. Bush, I am writing in response to your letter of July 26, 2005, in which you requested that certain materials relating to Judge John G. Roberts' work in the Department of Justice and the White House Counsel's Office be provided to the Committee on the Judiciary for its consideration of Judge Roberts' nomination to be an Associate Justice of the Supreme Court of the United States.

The Administration shares your view that the Administration and the Senate should work cooperatively to ensure a smooth confirmation process. To enable the Senate to consider fully Judge Roberts' nomination prior to the beginning of the Supreme Court's October 2005 term, the Administration began working prior to Judge Roberts' nomination to provide the Committee with those materials we believe may assist the Committee in conducting a fair review of Judge Roberts' record.

Prior to Judge Roberts' nomination, the Administration requested that the Reagan Library process, on an expedited basis for the Committee's consideration, records relating to Judge Roberts' service in the White House Counsel's Office. We have also requested that the Reagan Library prioritize files that you indicated in your letter of July 25, 2005, to be "particular matters of interest."

Representatives from the Reagan Library and the Administration are working expeditiously to finish the legal review and processing required to accommodate your requests. Subject to that review, we anticipate that we will be able to make the particular files listed in your letter of July 26, 2005, available by August 22, 2005. Any remaining files to be disclosed will undergo legal review and processing, and be released as soon as possible.

As you are aware, to date the Department of Justice has provided thousands of pages of documents relating to Judge Roberts' service as special assistant to Attorney General William French Smith. The Department of Justice also has provided the Committee with those materials relating to Mr. Roberts' employment in the Office of the Solicitor General that it believes may assist the Committee in evaluating his nomination without causing substantial harm to the Solicitor General's ability to represent the United States in ongoing and future litigation.

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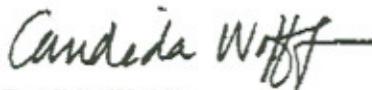
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In addition to those records provided by the Department of Justice, Judge Roberts himself has already provided to the Committee copies of the briefs on the merits filed in the Supreme Court for all cases he argued, either as a government attorney or in private practice, as well as transcripts of the corresponding oral arguments. Judge Roberts has also given the Committee all briefs on the merits filed in the Supreme Court, including amicus briefs, that he signed while in private practice, irrespective of whether he argued the underlying case.

The Department of Justice has informed the Chairman of the Committee that it will provide, upon request, briefs on the merits and certiorari petitions, including amicus briefs, in cases on which Mr. Roberts was the Principal Deputy Solicitor General or Acting Solicitor General but that he did not argue.

We are confident that the 65,000 pages of documents the White House and the Department of Justice are providing to the Committee, and the numerous documents Judge Roberts has himself provided, will enable the Committee to engage in full, fair, and prompt consideration of Judge Roberts' nomination.

Sincerely,



Candida Wolff
Assistant to the President
for Legislative Affairs

cc: The Honorable Arlen Specter
Chairman
Committee on the Judiciary