

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

August 16, 2005

Mr. R. Duke Blackwood
Executive Director
Ronald Reagan Library
40 Presidential Drive
Simi Valley, California 93065

Dear Mr. Blackwood:

I thank you and your staff for the effort you are making to review documents from the John Roberts files in the Ronald Reagan Presidential Library. I know it involved the hard work and long hours of many people, and please also convey my thanks to them.

I write with regard to the papers that were not released yesterday, and specifically about 478 pages that were withheld from disclosure. I understand that in attempting to accommodate a time-sensitive request, you conducted an expedited review of the documents under the Freedom of Information Act (FOIA), 5 U.S.C. 552. I further understand that, as a result of the short processing time, you withheld certain documents based on established FOIA exemptions, including, among others, the personal privacy exemption. I am told that among the 478 pages are records that would typically be released under FOIA once information that is subject to an exemption has been redacted, or after you determined that segregable portions of the documents were appropriate for release.

I would note that I do not agree with the reliance on FOIA exemptions in response to an official request from Senators charged with the responsibility for reviewing a nomination, but even within the confines of that reliance, I believe that the better practice is to release as much information as possible.

With this letter, I request that you conduct a supplementary review of the documents that were withheld, redacting or segregating portions of the documents as necessary, and release the remaining records as soon as possible.

I also request that you continue to investigate thoroughly the missing "Affirmative Action" file from the August 15 release of papers, and to clarify the basis upon which you believe you have reconstructed that file. I ask to know whether you have relied only upon the notes taken by White House employees who had previously reviewed the file, or whether there is another, independent inventory or source of information that could better assure the Senate that what was originally in the file is the same as your reconstruction.

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I know you are working hard to review many other documents in the Roberts files, but your prompt attention to this request would be appreciated. As you know, hearings on the Roberts nomination before the Senate Committee on the Judiciary are scheduled to begin on September 6, 2005, and it is important that the Committee have accurate and complete information about the nominee before that time.

Sincerely,

A handwritten signature in cursive script that reads "Patrick Leahy". The signature is written in dark ink and is positioned above the printed name.

PATRICK LEAHY
Ranking Democratic Member