

# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

July 26, 2005

The Honorable George W. Bush  
The White House  
1600 Pennsylvania Ave, NW  
Washington, D.C. 20500

Dear Mr. President:

We are disappointed that the White House appears to have so quickly moved to close off access by the Senate to important and informative documents written by Supreme Court nominee John Roberts while he was at the Department of Justice. According to news reports today, your Administration may be preemptively protecting thousands of documents not even requested yet by the Committee – documents that could very well hold important information necessary to evaluate Judge Roberts' judicial philosophy and legal reasoning.

While many documents are being delivered today from Judge Roberts' work for Attorney General William French Smith at the Reagan Justice Department, it is far too early to determine whether these documents are relevant, adequate, or even helpful. It may be that this group of documents, along with the upcoming hearings, will give us enough information to fulfill our constitutional duty to advise and consent on this nomination. But it would be premature for either the Senate or the White House to make that determination now. Judge Roberts spent some four years working for President George H.W. Bush, and it may very well be that documents from that time will be helpful to the Committee as well.

It is our hope that the confirmation process moves swiftly and smoothly over the coming weeks. We can assure you that no Senator is attempting to unduly delay the proceedings. We intend to work with Chairman Specter if and when further requests for documents or information appear appropriate. But in the meantime, we believe that judgment should be withheld on which and how many documents regarding this nominee might be released to the Senate. The history of past nominations is varied but clear – each confirmation process is different, and the type and number of documents shared between the White House and the Senate has depended on the nature of the debate, the needs of the Committee, and a cooperative negotiation between the Senate and the White House. A blanket statement that entire groups of documents are off limits is both premature and ill advised.

Finally, it is our understanding that many more publicly available documents will soon be sorted and delivered to the Committee. In the interests of speeding up the process, we have attached a list of the document areas within that group we feel would be most helpful to the Committee. To the extent your staff can assist in expediting the delivery of those documents, we would be grateful.

Sincerely,

Patrick Leahy

Alan S.

Dick Durbin

Jim Cooper

Joe Manchin

Mark Warner

Bob Casey

Herb Kohl

**Particular Matters of Interest:**

JGR/ Law of War  
JGR/ Texas Redistricting  
JGR/ Abortion  
JGR/ Acid Rain  
JGR/ Affirmative Action Correspondence  
JGR/ Appointee Correspondence 1985  
JGR/ Appointee Memos, Clearance, Announcements, etc.  
JGR/ Appointments Clause  
JGR/ Asbestos Legislation  
JGR/ DC Chadha  
JGR/ Change in Presidential Term  
JGR/ Civil Rights Commission  
JGR/ Comparable Worth  
JGR/ Conflicts of Interest  
JGR/ Death Squads Investigation – SSCI  
JGR/ DOJ Daily Reports  
JGR/ EECO  
JGR/ Equal Opportunity in Education  
JGR/ Ethics  
JGR/ Exclusionary Rule  
JGR/ First Amendment  
JGR/ Flag, American  
JGR/ Independent Counsel  
JGR/ Iran Emergency  
JGR/ Jones, Bob – Univ. Decision  
JGR/ Judges  
JGR/ Legal Services Corporation  
JGR/ Pardons  
JGR/ Political Activity  
JGR/ Pro Bono  
JGR/ Reagan – Bush Rallies Guidance  
JGR/ Recess Appointments  
JGR/ School Prayer  
JGR/Supreme Court  
JGR/ War Powers