



THE RONALD REAGAN PRESIDENTIAL LIBRARY AND MUSEUM

August 17, 2005

Honorable Patrick Leahy
Senate Committee on the Judiciary
Washington, D.C. 20510-6275

Dear Senator Leahy:

This is in response to your letter of August 16, 2005, with regard to the documents released by the Reagan Library (Library) on that day.

As you noted, in order to produce as many records as quickly as possible, the Library conducted an expedited review and, in most cases, withheld entire pages instead of redacting or segregating the exempt information. We have begun a re-review of the 478 pages of Reagan Presidential records that were withheld pursuant to exemptions under the Freedom of Information Act, 5 U.S.C. §552, and will complete that process as soon as possible. The 478 pages were withheld under the following FOIA exemptions: 18 pages under (b)(1) (national security); 1 page under (b)(3)(other statute), 459 pages under (b)(6)(clearly unwarranted invasion of personal privacy) (10 pages that are closed under (b)(6) are also closed under (b)(7)(c) (unwarranted invasion of personal privacy in a law enforcement record)).

Prior to release to the Senate, however, we are required to notify both the incumbent President and the representative of former President Reagan in accordance with the Presidential Records Act (PRA), 44 U.S.C. §2204(c), and Executive Order 13233. The PRA and Executive Order provide them both with an opportunity to review the records for the purpose of deciding whether to assert a constitutionally-based privilege. Be assured that we will do everything possible to expedite this process so that we can provide you with the redacted records as soon as possible.

As we have informed your staff, the Archivist of the United States has asked NARA's Inspector General to investigate the matter of the missing "Affirmative Action Correspondence" folder from the Staff Member Office Files of John Roberts.

In attempting to reconstruct the missing folder, Library staff considered several factors, including the notes of the Administration reviewer. From the notes, the Library staff learned that the file contained a memorandum from John Roberts urging that the White House not respond to a letter on a proposed executive order on affirmative action until the policy had been resolved within the administration. The Library staff then conducted two searches in the White House Office of Records Management (WHORM) "C track" electronic data base. One search put in the term "executive order" and the code that corresponded to Roberts; the other search used the term "affirmative action" and the code for Roberts. Both searches produced the same results:

Memo, John G. Roberts to Dianna G. Holland re Executive Order 11246 (Affirmative Action) Correspondence, April 10, 1986, ID # 342097, 1 page.

Memo, John G. Roberts to Dianna G. Holland re Executive Order 11246 (Affirmative Action) Correspondence, April 10, 1986, ID # 350544, 1 page.

No other documents were found in the search of the electronic data base that matched the relevant terms.

Library archivists retrieved these two case files from the WHORM subject records. The contents of the case files matched the description of the missing folder obtained from the Administration reviewer. In both instances, the case file contained a White House Correspondence Tracking Sheet, the April 10, 1986 memo from Roberts to Dianna G. Holland re "Executive Order 11246 (Affirmative Action) Correspondence", a copy of an incoming letter regarding proposed changes to Executive Order 11246. One case file also contained a White House memorandum form from Dianna G. Holland to FFF.

In addition, from their review of the Roberts' files, Library archivists determined that Roberts' subject files generally contained a White House Correspondence Work Sheet requesting a response to a letter. Further, the Library archivists determined that Roberts' assistant generally labeled the subject folder with information from the subject line of the memorandum in the file. Thus, the missing folder "Affirmative Action Correspondence" matched the subject line of the April 10, 1986 memorandum - "Executive Order 11246 (Affirmative Action) Correspondence." The staff also was able to locate the April 10, 1986 memorandum in the chronological file maintained by Roberts.

Reagan Library archivists believe that they have been able to reconstruct the likely contents of the missing folder labeled "Affirmative Action Correspondence" through a search of the electronic WHORM data base combined with their extensive knowledge of the structure of the Roberts' files. While it is possible that the missing folder also contained a copy of the draft executive order that draft executive order is available in other open files.

Please be assured that NARA is doing everything possible to investigate this matter and to respond to the committee's request in a timely manner.

Sincerely,



R. Duke Blackwood
Director
Ronald Reagan Presidential Library