United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

August 4, 2005

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

Dear Mr. President:

I ask for your cooperation in ensuring a smooth process leading to the upcoming confirmation hearing for Judge John G. Roberts to the Supreme Court, which is only a month away. As the hearing nears, I write to express my growing concern that a critical category of relevant documents – already promised and already designated for public release – will arrive at the Senate's doorstep too late to be meaningfully reviewed and considered in time for Judge Roberts' hearing.

These materials, which reportedly consist of 50,000 to 75,000 pages of documents relating to Judge Roberts' work in the White House Counsel's Office during the Reagan Administration, are currently housed at the Reagan Library. In light of the revealing nature of many of the documents already made available by the National Archives from Judge Roberts' earlier time working for Attorney General William French Smith, the Reagan Library documents are certain to shed further light on Judge Roberts' legal thinking. If these documents arrive too late, I fear that they cannot be given a fair review by Committee members and the public before the hearing starts.

I understand that the documents are voluminous and will take a bit of time to be reviewed as required under the Freedom of Information Act. That is why nine days ago, in an effort to be reasonable and helpful, the eight Democratic members of the Senate Judiciary Committee sent you a letter identifying the most pertinent files from the Reagan Library and asked that your staff work to expedite the release of these documents and provide them on a rolling basis.

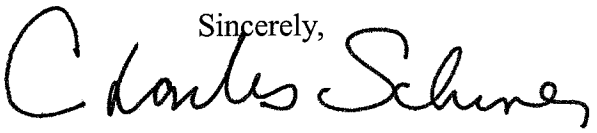
To date, however, we have not received a single page from the Administration from the Reagan Library, nor have we received a firm timetable for when these documents will be made available, nor even a response to our request.

Compounding the concern are reports that, after the required Freedom of Information Act review is completed, the Administration may then conduct its own time-consuming review of these materials and may withhold some or all of them on the basis of privilege. I am unaware of any privilege that would apply to these documents, which have already been turned over to the Reagan Library, and any such claims seem to have been already waived with respect to the National Archives documents.

We all want the confirmation process to move swiftly and smoothly, and we have absolutely no interest in delay. To that end, I urge you to do everything in your power to expedite the review and release of the Reagan Library documents and to provide the most pertinent documents on a rolling basis so they can be meaningfully reviewed. Also, I ask that you clarify whether the White House intends to assert any privilege with respect to any or all of the Reagan Library documents.

If we work together in a cooperative way, I am certain that – consistent with what the American people want – this process can be deliberate and dignified without being dilatory.

Sincerely,



Charles E. Schumer

cc: Senator Arlen Specter
Chairman, Senate Judiciary Committee