

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AMERICAN HISTORICAL )  
ASSOCIATION, et al., )  
Plaintiffs, )  
 )  
v. )  
 )  
NATIONAL ARCHIVES AND )  
RECORDS ADMINISTRATION, et al., )  
Defendants. )  
 )  
 )  
 )  
\_\_\_\_\_ )

No. 1:01CV02447 (CKK)

**DECLARATION OF RICHARD L. CLAYPOOLE**

1. I am the Assistant Archivist for Presidential Libraries at the National Archives and Records Administration (NARA). I have overall program responsibilities for the Presidential Libraries administered by NARA, including the Ronald Reagan and George Bush Presidential Libraries.
2. I make this declaration based on my personal knowledge and on information provided to me by my staff.
3. I have read the April 12, 2004, declaration of Thomas S. Blanton, in which he stated in paragraph 4 that: "The Reagan Library has informed us in writing that its processing time for requested documents is now 48 months (as compared to the 20 working days specified by the FOIA). Staff at the Reagan Library have advised us informally that reviews under Executive Order 13233 are a major factor in these delays."
4. The average backlog time (as opposed to "processing" time mentioned in Mr. Blanton's declaration) at the Reagan Library for the classified queue is currently approximately 48 months. Backlog time is the length of time between when the Library receives a FOIA

request and when the Library begins processing the request. It is my understanding that most, if not all, of the FOIA requests made by Mr. Blanton's organization involve classified information and have been placed in the classified queue. As a matter of course, the Reagan Library informs all FOIA requesters in writing of the backlog time upon the receipt of their requests and clearly states that this is only a measure of time before an archivist begins to process records responsive to those requests.

- 5 As this 48-month period does not measure the time needed to process the records or to prepare the notice of proposed opening to the former and incumbent Presidents in accordance with E.O. 13233, Mr. Blanton's conclusion that reviews under E.O. 13233 are a major factor in these delays is not correct.
6. The only measures of time directly attributable to the review processes established in E.O. 13233 are the time required by my staff in Washington, DC, to prepare the notice of proposed opening and the time taken by the representatives of the former and incumbent Presidents to review the records proposed for opening. After the Reagan Library completes processing of a request, or a segment of a request, the response is forwarded to my staff in Washington, DC, who reviews the records proposed to be opened and prepares and sends the notice of proposed opening to the former and incumbent Presidents in accordance with E.O. 13233. The average length of time to review the request and prepare the notice is currently approximately 50 days. Once NARA has sent the notice, the average length of time for the representatives of the former and incumbent Presidents to review the notices of proposed opening of Reagan Presidential records under Executive Order 13233 is currently approximately 90 days

7. Since E.O. 13233 went into effect, a total of 612,333 pages of Presidential and Vice Presidential records have been opened to the public, including 265,956 pages of Reagan Presidential records, and only 74 pages have been withheld under a constitutional privilege.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

  
RICHARD L. CLAYPOOLE

Executed on this 23d day of April 2004